

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Chicago Police Officer SHANNON SPALDING,	)	
Chicago Police Officer DANIEL ECHEVERRIA,	)	Case No. 12-cv-8777
	)	
Plaintiffs,	)	Judge Gary Feinerman
	)	Magistrate Judge Shelia Finnegan
v.	)	
	)	
CITY OF CHICAGO, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**EXHIBIT LIST FOR DEFENDANTS' LOCAL  
RULE 56.1(a) STATEMENT OF UNDISPUTED MATERIAL FACTS**

<b>Exhibit A.</b>	Plaintiffs' First Amended Complaint ("FAC")
<b>Exhibit B.</b>	Defendants' Answer to First Amended Complaint ("Answer to FAC")
<b>Exhibit C.</b>	The Deposition of Shannon Spalding("Spalding Dep."), along with cited deposition exhibits
<b>Exhibit D.</b>	The Deposition of Daniel Echeverria ("Echeverria Dep."), along with cited deposition exhibits
<b>Exhibit E.</b>	The Deposition of Tina Skahill ("Skahill Dep.")
<b>Exhibit F.</b>	The Deposition of Nicholas Roti ("Roti Dep.")
<b>Exhibit G</b>	The Declaration of Nicholas Roti ("Roti Decl.")
<b>Exhibit H</b>	The Deposition of James O'Grady ("O'Grady Dep.")
<b>Exhibit I</b>	The Deposition of James Padar ("Padar Dep.")
<b>Exhibit J</b>	The Deposition of Juan Rivera ("Rivera Dep.")
<b>Exhibit K</b>	The Declaration of James O'Grady ("O'Grady Decl.")
<b>Exhibit L</b>	The Deposition of Maurice Barnes ("Barnes Dep.")
<b>Exhibit M</b>	The Deposition of Robert Cesario ("Cesario Dep.")

<b>Exhibit N</b>	The Declaration of Robert Cesario (“Cesario Decl.”)
<b>Exhibit O</b>	The Deposition of Joseph Salemme (“Salemme Dep.”)
<b>Exhibit P</b>	The Deposition of Thomas Mills (“Mills Dep.”)
<b>Exhibit Q</b>	The Declaration of Joseph Salemme (“Salemme Decl.”)
<b>Exhibit R</b>	The Declaration of Maurice Barnes (“Barnes Decl.”)
<b>Exhibit S</b>	The Declaration of Thomas Mills (“Mills Decl.”)
<b>Exhibit T</b>	Rules of Conduct
<b>Exhibit U</b>	The Deposition of Lou Reiter (“Reiter Dep.”)

# Exhibit A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Chicago Police Officers SHANNON  
SPALDING and DANIEL ECHEVERRIA,

Plaintiffs,

v.

CITY OF CHICAGO, Chicago Police Chief  
JUAN RIVERA, Chicago Police Chief  
DEBRA KIRBY, Chicago Police Commander  
JAMES O'GRADY, Chicago Police Chief  
NICHOLAS ROTI, Chicago Police Lt. KEVIN  
SADOWSKI, Chicago Police Lt. DEBORAH  
PASCUA, Chicago Police Commander  
ADRIENNE STANLEY, Chicago Police  
Sergeant MAURICE BARNES, Chicago  
Police Lt. ROBERT CESARIO, Chicago  
Police Commander JOSEPH SALEMME,  
Chicago Police Sergeant THOMAS MILLS,

Defendants.

No. 12 C 8777

Judge Gary Feinerman

Magistrate Judge Sheila M. Finnegan

**AMENDED COMPLAINT**

NOW COME Plaintiffs, SHANNON SPALDING and DANIEL ECHEVERRIA, by and  
through their attorneys, Smith, Johnson & Antholt, LLC, complaining of Defendants and  
alleging as follows:

**Jurisdiction and Venue**

1. This Court has jurisdiction of the action pursuant to the Civil Rights Act, 42  
U.S.C. § 1983, 28 U.S.C. § 1331 and 1343(a), and the Constitution of the United States; it also  
has supplemental jurisdiction under 28 U.S.C. § 1367.

2. Venue is proper under 28 U.S.C. § 1391(b). On information and belief, all defendants reside in this judicial district, and the events giving rise to the claims asserted herein occurred within the district.

### **The Parties**

3. Plaintiff Shannon Spalding is now and was at all times complained of a resident of Chicago, Illinois and a duly qualified peace officer employed by Defendant City Of Chicago.

4. Plaintiff Officer Daniel Echeverria is now and was at all times complained of a resident of Chicago, Illinois and a duly qualified peace officer employed by Defendant City Of Chicago.

5. Defendant City of Chicago is now and was at all times complained of a municipality incorporated in the State of Illinois and the employer of the individually named Defendants.

6. Defendant Chief Juan Rivera is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

7. Defendant Chief Debra Kirby is now and was at all times complained of an officer employed by Defendant City of Chicago. She engaged in the conduct complained of while acting under the color of law and within the scope of her employment. She is sued in her individual capacity.

8. Defendant Commander James O'Grady is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his

individual capacity.

9. Defendant Chief Nicholas Roti is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

10. Defendant Lieutenant Kevin Sadowski is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

11. Defendant Lieutenant Deborah Pascua is now and was at all times complained of an officer employed by Defendant City of Chicago. She engaged in the conduct complained of while acting under the color of law and within the scope of her employment. She is sued in her individual capacity.

12. Defendant Commander Adrienne Stanley is now and was at all times complained of an officer employed by Defendant City of Chicago. She engaged in the conduct complained of while acting under the color of law and within the scope of her employment. She is sued in her individual capacity.

13. Defendant Sergeant Maurice Barnes is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

14. Defendant Lieutenant Robert Cesario is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of

while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

15. Defendant Commander Joseph Salemmé is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

16. Defendant Sergeant Thomas Mills is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

### **STATEMENT OF FACTS**

17. In 1996, Plaintiff Shannon Spalding was appointed as a police officer with the City of Chicago. She has an exemplary record and is a highly decorated officer.

18. In 1999, Plaintiff Daniel Echeverria was appointed as a police officer with the City of Chicago. He has an exemplary record and received numerous commendations between 1999 and 2010.

19. In May 2006, Plaintiffs were assigned to the “Narcotics Division,” Unit 189, where their work involved pro-active police efforts to combat drug crimes. They worked to develop confidential informants, obtain and conduct search warrants and conducted conspiracy investigations.

20. In 2007, while working an undercover narcotics investigation, Plaintiffs uncovered evidence of illegal activity being committed by various Chicago Police Officers.

21. One of those officers was Sergeant Ronald Watts, who Plaintiffs had learned was involved in the narcotics trade and was using his police powers to extort drug dealers.

22. Over time, Plaintiffs learned more and more credible information that Sgt. Watts and his cohort were extorting drug dealers by demanding payments to keep them free of arrest and/or prosecution.

23. In 2007, while off-duty, Plaintiffs reported to the Federal Bureau of Investigation, Special Agent "P.S." the illegal activity by Sgt. Watts and others who worked with him.

24. Plaintiffs continued to meet with Special Agent "P.S.," who was assigned to the bureau's public corruption unit, intermittently through 2008 to discuss the information on Sgt. Watts that they continued to learn. Plaintiffs always did so while off-duty and in their personal capacities.

25. After approximately a year of speaking to the F.B.I. in their personal capacities, the F.B.I. agents began to request that Plaintiffs spend more time assisting on the case. Because additional involvement with the investigation would encroach on their professional time, Plaintiffs responded that it would have to be conducted through the Chicago Police Department.

26. In August 2008, F.B.I. special agents met with the then-Chief of the Internal Affairs Division ("IAD") for the Chicago Police Department to discuss the Watts investigation.

27. At a meeting with the F.B.I. and the Chief of IAD, Plaintiffs were informed that they would be joining the investigation in their official capacity as police officers. The federal investigation was highly confidential and Plaintiffs' identities and involvement in the case were to remain confidential.

28. Certain CPD command staff knew of Plaintiffs' involvement in the federal Watts



investigation (known as “Operation Brass Tax”), including the Superintendent of Police, former-Deputy Superintendent (now Chief) Kirby, and the Chief of IAD (subsequently, Defendant Juan Rivera).

29. Thereafter, although Plaintiffs remained assigned to the Narcotics Unit, they were detailed to “Detached Services,” Unit 543, and reported directly to F.B.I. headquarters to work on Operation Brass Tax.

30. Over the next several years Plaintiffs continued to work on Operation Brass Tax. During that time, they were also encouraged by CPD command staff to develop other narcotics related cases, which overlapped with their work on Operation Brass Tax.

31. On an unknown date, information that Plaintiffs had reported criminal misconduct by a sworn officer and were working with an outside investigation was leaked within the Department and became known to Defendant Commander O’Grady.

32. Defendant O’Grady was the Commander of Unit 189, Plaintiffs’ unit of assignment.

33. In August 2010, Defendant O’Grady began a campaign of harassment and retaliation that persists to this day.

34. On approximately August 17, 2010, Plaintiffs were developing a narcotics case, as they were previously approved to do. Plaintiffs submitted paperwork to Defendant O’Grady, seeking approval of a confidential informant. Although he initially approved the application, upon learning that it had been submitted by Plaintiffs, he rescinded the approval.

35. Defendant O’Grady then informed supervising personnel in the unit that Plaintiffs were “rats,” meaning that they had reported other police officers’ misconduct. Defendant O’Grady ordered that the unit was not to work with Plaintiffs and personnel in the unit should

not assist Plaintiffs.

36. By interfering with their ability to develop narcotics cases in their unit of assignment, Defendant O'Grady intentionally prohibited Plaintiffs from earning overtime.

37. Although Plaintiffs were thereafter prevented from working overtime in Unit 189, other officers in the unit were able to use the intelligence provided by Plaintiffs to develop one or more successful narcotics cases and to earn overtime.

38. On one or more dates, multiple Defendants discussed with one another the handling or treatment of Plaintiffs. At one such meeting, Plaintiffs' possible reassignment within the Department was discussed. In response, Defendant O'Grady referred to Plaintiffs as "rats" and stated that he did not want Plaintiffs working in his unit.

39. During the meeting, on information and belief, Defendant O'Grady stated words to the effect of, "God help them if they ever need help on the street, it ain't coming."

40. Instead of putting a stop to his subordinate's retaliation against Plaintiffs, Defendant Chief Nicholas Roti, who was also was present at the meeting, concurred with Defendant O'Grady.

41. Defendant Chief Roti is the head of the Bureau of Organized Crime, which includes the Narcotics Division, the Gang Enforcement Division, and the Gang Investigation Division (which includes most of the Department's Task Forces, as well as the Vice and Intelligence Sections).

42. Defendant Chief Roti fostered, allowed, agreed to and encouraged the retaliation against Plaintiffs at this meeting and in the years that followed.

43. Although Plaintiffs' years of exemplary police work made them a perfect fit for the Bureau of Organized Crime, Defendant Chief Roti would not allow Plaintiffs to work in any

unit in the Bureau.

44. Plaintiffs were informed that none of the “bosses” wanted them in their units and that their “careers are over.”

45. In or near late May 2011, then-Deputy Superintendent (now, Chief) Defendant Debra Kirby caused Plaintiffs to be removed from their detail to Unit 543, Detached Services.

46. At that time, the Deputy Superintendent of Detached Services, Beatrice Cuello, called Defendant Kirby to confirm that Plaintiffs were working on an undercover investigation and that the paperwork was in place.

47. Despite her knowledge of Plaintiffs’ detail to the federal investigation, Defendant Kirby falsely denied even knowing Plaintiffs or knowing that Plaintiffs were involved with any investigation. She did so knowing that this denial would jeopardize Plaintiffs’ detail.

48. Based upon Defendant Kirby’s denials, Deputy Superintendent Cuello believed Plaintiffs had lied about their roles in the Watts investigation. As a result, Plaintiffs were kicked out of Unit 543.

49. Despite having years of experience conducting undercover operations, eavesdropping operations, developing informants and other valuable police work, Defendants O’Grady and Roti would not allow Plaintiffs to return to any unit within Organized Crime including their own unit of assignment.

50. Because Plaintiffs had been labeled “rats” in the Department, they lost their specialized assignments, weekends and holidays off, take-home vehicles, and the ability to work unlimited overtime.

51. Plaintiffs were therefore detailed to the Police Academy for the next three weeks.

52. During their time at the Police Academy, Plaintiffs often did nothing more than sit

at desks. Other times they sat in on recruit or other courses, sometimes the same course repeatedly for no reason other than that no one knew why Plaintiffs were there.

53. Plaintiffs were effectively on “house arrest” in retaliation for having investigated fellow officers.

54. Although Plaintiffs complained to Defendant Chief Rivera about the retaliatory re-assignment to the Police Academy, he failed to take any action.

55. Around the end of July 2011, Plaintiffs were moved to the Inspections Division, Unit 126.

56. They remained detailed to Unit 126, Inspections until March 2012. Throughout that time Plaintiffs were subjected to harassment and hostility, which was directed by their immediate supervisor, Defendant Lt. Pascua.

57. Defendant Lt. Pascua called Plaintiffs, “rat motherf---ers” and told them that she did not want them in the unit.

58. Defendant Lt. Pascua spread the word among their co-workers that Plaintiffs were “rats” and no one should talk to them.

59. Throughout their time in Unit 126, Defendant Lt. Pascau gave Plaintiffs few legitimate work assignments. Most of their time was spent sitting at desks idle or being forced to chauffeur Defendant Lt. Pascua, often on personal errands.

60. Defendant Lt. Pascua threatened to put a false case on Plaintiffs, saying “f--- them from narcotics...I’m a lawyer and know how to put a case together...I’m gonna work on getting them f---ing launched.”

61. On September 13, 2011, Plaintiffs met with their commanding officer, Defendant

Commander Stanley and informed her of ongoing retaliation and hostile work environment in the unit. After being told of the retaliation, Defendant Stanley said, “I don’t want to hear this, I don’t want to know.”

62. Defendant Commander Stanley did nothing to stop the retaliation or Lt. Pascua’s inappropriate conduct including that she did not initiate a Complaint Register (“C.R.”) about the retaliation as she was required to do by Department policy. By allowing the retaliation against Plaintiffs to continue unabated in her unit Defendant Commander Stanley condoned, encouraged, and agreed to the retaliation.

63. Likewise, Defendant Chief Rivera knew of the constant retaliation against Plaintiffs but allowed it to continue unabated including that he refused to initiate an I.A.D. investigation into the harassment and retaliation.

64. After Commander Stanley failed to address the retaliation, Defendant Lt. Sadowski joined in Lt. Pascua’s campaign by repeatedly attempting to lodge false allegations of wrongdoing against Plaintiffs.

65. In November 2011, as another manifestation of the City of Chicago’s policy against investigating fellow officers, two Sergeants of the Internal Affairs Division told Plaintiffs “sometimes you have to turn a blind eye” to misconduct.

66. In October 2011, Plaintiffs were called back to assist the F.B.I. with the completion of Operation Brass Tax.

67. Plaintiffs continued to work on the case with the F.B.I. until the successful arrests and indictments of Sgt. Ronald Watts and Officer Kallat Mohammed in February 2012.

68. Because Plaintiffs had already been established to be “rats,” Defendant Chief Roti ordered that they were not allowed to return to the narcotics unit “or any other division of

Organized Crime.”

69. As a result, Plaintiffs were forced to return to Unit 126, which was an undesirable position as well as a hostile work environment due to the continued retaliation and harassment.

70. When Plaintiff Spalding again asked Defendant Chief Rivera to initiate a C.R. investigation for a hostile work environment after she began to suffer anxiety attacks, Rivera refused to acknowledge the request.

71. In repeatedly refusing to initiate a C.R. investigation into the hostile work environment, Defendant Chief Rivera condoned, encouraged, agreed to and allowed the retaliation to continue unabated.

72. Plaintiffs were not given assignments with Unit 126 and were again made to sit idly, sometimes for up to eight hours a day.

73. On March 20, 2012, Plaintiffs were detailed to the Bureau of Detectives, Fugitive Apprehension, Unit 606. Within that Unit, Plaintiffs were assigned to the United States Marshal’s Task Force.

74. Defendant Joseph Salemm was the Commander of Fugitive Apprehension; Defendant Robert Cesario was Plaintiffs’ Lieutenant in the unit; and Defendant Sgt. Maurice Barnes was Plaintiffs’ immediate supervisor on the U.S. Marshal’s Task Force Team.

75. Upon information and belief, on or around the day of their initial detail to the U.S. Marshal’s Task Force Team, Defendant O’Grady went out of his way to personally inform Plaintiffs’ new supervisors that they were “rats” and should be treated accordingly.

76. Defendant Sgt. Barnes thereafter informed Plaintiffs’ new team that they were “rats,” that Plaintiffs should not be trusted or backed up by the team.

77. At one point, Defendant Sgt. Barnes removed Plaintiffs from a high profile case

to which they had been assigned; because they were “rats,” Plaintiffs would not be allowed to work the case.

78. When Plaintiff Spalding tried to talk to Sgt. Barnes in an effort to prevent further retaliation, Sgt. Barnes repeatedly referenced that Plaintiffs had brought down a sergeant (referring to Watts).

79. Sgt. Barnes told Plaintiff Spalding that the team hated them and would not back them up if they were in need. He stated words to the effect of, “I don’t want to tell your daughter you’re coming home in a box because the team won’t help you on the street.”

80. On or about June 20, 2012, Plaintiffs were ordered to meet with Defendants Commander Salemm, Lt. Cesario and Sgt. Barnes at Unit 606 headquarters.

81. Defendants Commander Salemm, Lt. Cesario and Sgt. Barnes removed Plaintiffs from the Marshal’s Taskforce Team, located on the far Southside, where they worked days (7 a.m. to 3 p.m. Defendants had Plaintiffs placed on a team located on the Northside, working the third watch (4 p.m. to 12 p.m.).

82. During the meeting, Defendant Commander Salemm told Plaintiffs words to the effect of, “you brought this baggage on yourselves ... if you go against sworn personnel you know this will happen.”

83. Defendant Lt. Cesario said words to the effect of, Plaintiffs were being sent “up north” and would not get a take-home car, Marshal’s pay, overtime or be deputized. He made clear, “that will never happen for you.”

84. When Plaintiffs were initially assigned to the Task Force, they had been informed that when positions opened up for deputization by the U.S. Marshals, they—like other members

of the Task Force—would be deputized.

85. Shortly after Plaintiffs were removed from the Task Force Team, dozens of positions for officers to be deputized as U.S. Marshals opened up. After Plaintiffs' removal from the team, other officers with less seniority than Plaintiffs were brought into Unit 606 and deputized while Plaintiffs were passed up.

86. In fact, since then, dozens of other officers in the Fugitives Apprehension Unit have been deputized by the U.S. Marshals including other officers from Plaintiffs' current team. As Lt. Cesario promised, however, Plaintiffs have been continually passed up for deputization.

87. On June 23, 2012, Plaintiffs contacted Defendant Chief Rivera from I.A.D. to lodge another complaint. Again, their complaint was ignored.

88. On June 25, 2012, Plaintiffs were reassigned to a nighttime fugitive apprehension team and relocated to the Northside of Chicago. This reassignment was a step backwards for Plaintiff professionally, as well as an inconvenience.

89. On August 17, 2012, Sgt. Watts' co-conspirator, Officer Mohammed pled guilty to extorting drug dealers. In his plea, he described the criminal misconduct going back to at least 2007.

90. Around the same time, Defendant Commander O'Grady "banned" Plaintiff Spalding from entering Chicago Police Headquarters at Homan Square, where she was assigned a locker.

91. Plaintiffs' own supervisor, Defendant Lt. Cesario, stressed that Plaintiff should "heed the warning that O'Grady doesn't want you there."

### **Retaliation Resulting from the Lawsuit and Speech in the Media**

92. On November 1, 2012, Plaintiffs filed the original civil action in this case



complaining of the above-described retaliation.

93. Following the filing, Chicago area media publicized Plaintiffs' reporting of the Watts' criminal misconduct and the Department-wide effort to punish Plaintiffs for reporting police corruption.

94. While accounts of the prevalence of the code of silence among Chicago Police Department rank-and-file have been widely reported for years, Plaintiffs' case shed new light on Department's top ranking members explicit enforcement of the code of silence.

95. Plaintiffs appeared in the media, including local television and newspapers telling of the years of retaliation that they endured at the hands of their superiors.

96. As a result, Plaintiffs experienced new and additional retaliation.

97. Prior to the lawsuit, Plaintiffs' current supervisor, Defendant Sgt. Mills seemed to defend Plaintiffs in the face of the retaliation coming from outside the team.

98. Since the filing of the lawsuit, and Plaintiffs' related media appearances, Plaintiffs have faced retaliation within the team, including that they are now ostracized and are no longer included in team activities.

99. Defendant Sgt. Mills regularly brings up the fact that Plaintiffs have a lawsuit and are making allegations against the "bosses."

100. Defendant Sgt. Mills constantly is badgering Plaintiffs making their day to day work more difficult. For example, Sgt. Mills insists that even when the team is working on the Southside, Plaintiffs must return to the Northside office to check-off while the rest of the team is allowed to leave directly from the Southside.

101. Defendant Sgt. Mills has ordered Plaintiffs to only return to the team's office for check-off at the end of the day. Other officers freely come and go from the office while Plaintiffs

risk ridicule and harassment if they do so.

102. Defendant Sgt. Mills has repeatedly made it difficult for Plaintiffs to work overtime hours while the rest of the team does so without hindrance.

103. Defendant Sgt. Mills has prevented Plaintiffs from working up cases, as well as excluded them from team arrests, while simultaneously threatening to remove Plaintiffs from the team for “not producing” (arrests).

104. On one occasion when Plaintiffs were allowed to pursue the arrest of a felon who was known to be violent and dangerous, Plaintiffs were assured by their team that the team would be present for the necessary back-up and support.

105. However, when Plaintiffs arrived as scheduled, their team was nowhere in sight. Instead, they received a text from Defendant Sgt. Mills stating, “be careful.”

106. In light of the danger presented by the suspect, Plaintiffs took this to be a threat to their safety and well-being.

#### **COUNT I –FIRST AMENDMENT RETALIATION**

107. Plaintiffs repeat, re-allege and incorporate by reference the factual allegations above as fully set forth herein.

108. The First Amendment to the United States Constitution guarantees Plaintiffs’ rights to speak out on matters of public concern without fear of unjust retaliation.

109. As described more fully above, Plaintiffs engaged in extensive protected speech on matters of public concern by reporting on the criminal misconduct and corruption of Sgt. Watts, Officer Mohammed and others to the F.B.I.

110. As described more fully above, Plaintiffs engaged in extensive protected speech on matters of public concern by filing this civil action and speaking out in the media about the

retaliation that they have faced and the prevalence of the code of silence within the Chicago Police Department.

111. As a result of their exercise of protected speech, Defendants City of Chicago, Chief Rivera, Chief Kirby, Commander O'Grady, Chief Roti, Lieutenant Pascua, Commander Stanley, Sergeant Barnes, Lieutenant Sadowski, Lieutenant Cesario, Commander Salemmi, and Sergeant Mills retaliated against Plaintiffs in the manner described in the preceding paragraphs.

112. Retaliation against Plaintiffs was devised, approved and carried out by individuals with final policymaking authority with respect to the actions taken, including as follows:

a. By authority delegated to him by the Chicago City Council, the Superintendent of Police is responsible for the general management and control of the police department, and has full and complete authority to administer the department. The Superintendent has the power and the duty to administer the affairs of the department as its chief administrative officer, including to make appointments, promotions, transfers and to take disciplinary action against department employees; to appoint, discharge, suspend or transfer employees; and to issue instructions to department employees in the line of their duties.

b. Within the Department, the Superintendent has delegated certain policymaking authority to his Chiefs, including Defendants Kirby, Rivera and Roti.

c. The Superintendent, as well as Defendant Chiefs Kirby, Rivera and Roti, were responsible for the retaliatory re-assignments and effective demotions to Plaintiffs.

d. The Superintendent, as well as Defendant Chiefs Kirby, Rivera and Roti, were aware of the retaliation against Plaintiffs, described above, and knowingly allowed it to continue unabated thereby encouraging, fostering and causing the retaliation.

113. The misconduct described in this Count was the result of Defendant City of Chicago's deliberate indifference to the policies and widespread practices described more fully above and in that:

a. Municipal policymakers are aware of, condone and facilitate by their inaction, a "code of silence" in the Chicago Police Department, by which officers understand that they should cover for each other unconditionally and that failure to do so amounts to a betrayal.

b. Municipal policymakers are aware of, condone and facilitate by their inaction, the enforcement of the "code of silence" within the Department through the retaliation against officers who do report the misconduct of other officers.

c. The City Council's Committee on Police and Fire has recognized the existence of the code of silence within the Chicago Police Department but has failed to take the necessary steps to protect officers who break the Code of Silence and suffer retaliation as a result.

d. As a matter of both policy and practice, the City of Chicago directly encouraged, and was thereby the moving force behind the very type of misconduct at issue here by failing to adequately supervise, discipline, and control its officers, such that its failure to do so manifests deliberate indifference.

e. As a matter of both policy and practice, the City of Chicago facilitated the very type of misconduct at issue here by allowing it to continue as a matter of practice within the Department, thereby leading Chicago police officers to believe that the code of silence will be enforced throughout the Department and, in that way, directly encouraging future abuses.

f. As a matter of widespread practice so prevalent as to comprise municipal policy, officers of the Chicago Police Department who have dared to speak out about the

misconduct of others have experienced retaliation a manner similar to that alleged by Plaintiffs.

114. As a result of the aforementioned deprivation of federal rights, Plaintiffs have suffered and will likely continue to suffer injuries including but not limited to emotional distress.

**COUNT II – CONSPIRACY VIA 42 U.S.C. § 1983**

115. Plaintiffs repeat, re-allege and incorporate by reference the factual allegations above as fully set forth herein.

116. As described in the preceding paragraphs, Defendants, acting in concert with other known and unknown conspirators, reached an understanding to deprive Plaintiffs of their Constitutional rights.

117. Plaintiffs were deprived of their Constitutional rights in the manner described in the preceding paragraphs.

118. That in furtherance of the conspiracy, Defendants committed overt acts and were otherwise willful participants in joint activity with state actors under color of law.

119. That the misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

120. As a result of the aforementioned deprivation of federal rights, Plaintiffs have suffered and will likely continue to suffer injuries including but not limited to emotional distress.

**COUNT III – VIOLATION OF THE ILLINOIS  
WHISTLEBLOWER PROTECTION ACT**

121. Plaintiffs repeat, re-allege and incorporate by reference the factual allegations above as fully set forth herein.

122. The City of Chicago was at all times complained of Plaintiffs' employer as defined in 740 ILCS § 174/5.

123. Plaintiffs were at all times complained of employees of the City of Chicago as defined in 740 ILCS § 174/5.

124. The City of Chicago and its employees and agents were prohibited according to 740 ILCS § 174/15 from retaliating against Plaintiffs for disclosing to the F.B.I. what they reasonably believed and in fact knew were multiple violations state and federal laws by Watts, Mohammed and other Chicago Police Officers.

125. The City of Chicago retaliated against Plaintiffs in the manner described in the preceding paragraphs as a result of their reporting of the criminal misconduct.

126. As a result of the aforesaid retaliation, Plaintiffs have suffered and will likely continue to suffer injuries including but not limited to emotional distress.

WHEREFORE, pursuant to 42 U.S.C. Section 1983 and applicable state law, Plaintiffs demand judgment against the Defendants, jointly and severally, for compensatory damages and, because the individual Defendants acted maliciously, wantonly, or oppressively, Plaintiffs seek punitive damages against them in their individual capacity, in addition to the costs of this action and attorneys' fees, and such other and additional relief as this court deems equitable and just.

PLAINTIFFS DEMAND TRIAL BY JURY.

RESPECTFULLY SUBMITTED,

/s/Amanda Antholt  
Attorney for Plaintiff

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## **CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that the foregoing *Corrected* Amended Complaint was served on counsel for all Defendants by electronic means May 29, 2013.

/s/ Amanda Antholt

# **Exhibit B**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Chicago Police Officer SHANNON SPALDING )  
and Chicago Police Officer DANIEL )  
ECHEVERRIA, )

Plaintiffs,

V.

CITY OF CHICAGO, Chicago Police Chief )  
JUAN RIVERA, Chicago Police Chief )  
DEBRA KIRBY, Chicago Police Commander )  
JAMES O'GRADY, Chicago Police Chief )  
NICHOLAS ROTI, Chicago Police Lt. KEVIN )  
SADOWSKI, Chicago Police Lt. DEBORAH )  
PASCUA, Chicago Police Commander )  
ADRIENNE STANLEY, Chicago Police )  
Sergeant MAURICE BARNES, Chicago Police )  
Lt. ROBERT CESARIO, Chicago Police )  
Commander JOSEPH SALEMME, Chicago )  
Police Sergeant THOMAS MILLS, )

Defendants.

No. 12 C 8777

Judge Gary Feinerman

Magistrate Judge Sheila M. Finnegan

**CERTAIN DEFENDANTS' ANSWER AND AFFIRMATIVE  
DEFENSES TO PLAINTIFFS' AMENDED COMPLAINT**

Defendants, City of Chicago (the “City”), James O’Grady (“O’Grady”), Nicholas Roti (“Roti”), Kevin Sadowski (“Sadowski”), Debra Pascua (“Pascua”), Adrienne Stanley (“Stanley”), Maurice Barnes (“Barnes”), Robert Cesario (“Cesario”), Joseph Salemm (“Salemm”) and Thomas Mills (“Mills”) (collectively referred to herein as the “Individual Defendants” and the City and the Individual Defendants are collectively referred to herein as the “Defendants”), by their attorneys, Drinker Biddle & Reath LLP, for their answer and affirmative defenses to the Amended Complaint of Plaintiffs Shannon Spalding (“Spalding”) and Daniel Echeverria (“Echeverria”) (collectively, “Plaintiffs”), state as follows:

### **Jurisdiction and Venue**

1. This Court has jurisdiction of the action pursuant to the Civil Rights Act, 42 U.S.C. § 1983, 28 U.S.C. § 1331 and 1343(a), and the Constitution of the United States; it also has supplemental jurisdiction under 28 U.S.C. § 1367.

**ANSWER:** Defendants state that the allegations of Paragraph 1 constitute legal conclusions for which no answer is required. Further answering, Defendants admit that this Court has subject matter jurisdiction over this action.

2. Venue is proper under 28 U.S.C. § 1391(b). On information and belief, all defendants reside in this judicial district, and the events giving rise to the claims asserted herein occurred within the district.

**ANSWER:** Defendants state that the allegations of Paragraph 2 constitute legal conclusions for which no answer is required. Further answering, Defendants admit that venue is proper in this judicial district.

### **The Parties**

3. Plaintiff Shannon Spalding is now and was at all times complained of a resident of Chicago, Illinois and a duly qualified peace officer employed by Defendant City Of Chicago.

**ANSWER:** Defendants admit that Spalding is and has been since 1996 a police officer employed by the City. Defendants lack knowledge or information sufficient to admit or deny that Plaintiff is or was a resident of Chicago, Illinois. Defendants deny the remaining allegations of Paragraph 3.

4. Plaintiff Officer Daniel Echeverria is now and was at all times complained of a resident of Chicago, Illinois and a duly qualified peace officer employed by Defendant City Of Chicago.

**ANSWER:** Defendants admit that Echeverria is and has been since 1999 a police officer employed by the City. Defendants lack knowledge or information sufficient to admit or deny that Plaintiff is or was a resident of Chicago, Illinois. Defendants deny the remaining allegations of Paragraph 4.

5. Defendant City of Chicago is now and was at all times complained of a municipality incorporated in the State of Illinois and the employer of the individually named Defendants.

**ANSWER:** Defendants admits that the City of Chicago is now and was at all times complained of a municipality incorporated in the State of Illinois and admits that the City of Chicago was the employer of the individually named defendants for certain periods of time. Defendants deny the remaining allegations of Paragraph 5.

6. Defendant Chief Juan Rivera is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

**ANSWER:** Defendants admit that Rivera is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Rivera, he was acting under color of law and within the scope of his employment, and admit that Plaintiffs purport to bring this action against Rivera in his individual capacity. Defendants deny that Rivera engaged in any unlawful conduct and deny the remaining allegations of Paragraph 6.

7. Defendant Chief Debra Kirby is now and was at all times complained of an officer employed by Defendant City of Chicago. She engaged in the conduct complained of while acting under the color of law and within the scope of her employment. She is sued in her individual capacity.

**ANSWER:** Defendants admit that Kirby was employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Kirby, she was acting under color of law and within the scope of her employment, and admit that Plaintiffs purport to bring this action against Kirby in her individual capacity. Defendants deny that Kirby engaged in any unlawful conduct and deny the remaining allegations of Paragraph 7.

8. Defendant Commander James O'Grady is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

**ANSWER:** Defendants admit that O’Grady was employed as an officer by the City for a period of time, admit that during all times alleged as it relates to O’Grady, he was acting under color of law and within the scope of his employment, and admit that Plaintiffs purport to bring this action against O’Grady in his individual capacity. Defendants deny that O’Grady engaged in any unlawful conduct and deny the remaining allegations of Paragraph 8.

9. Defendant Chief Nicholas Roti is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity

**ANSWER:** Defendants admit that Roti is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Roti, he was acting under color of law and within the scope of his employment and admit that Plaintiffs purport to bring this action against Roti in his individual capacity. Further answering, Defendants deny that Roti engaged in any unlawful conduct and deny the remaining allegations of Paragraph 9.

10. Defendant Lieutenant Kevin Sadowski is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

**ANSWER:** Defendants admit that Sadowski is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Sadowski, he was acting under color of law and within the scope of his employment and admit that Plaintiffs purport to bring this action against Sadowski in his individual capacity. Defendants deny that Sadowski engaged in any unlawful conduct and deny the remaining allegations of Paragraph 10.

11. Defendant Lieutenant Deborah Pascua is now and was at all times complained of an officer employed by Defendant City of Chicago. She engaged in the conduct complained of while acting under the color of law and within the scope of her employment. She is sued in her individual capacity.

**ANSWER:** Defendants admit that Pascua is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Pascua, she was acting under color of law and within the scope of her employment, and admit that Plaintiffs purport to bring this action against Pascua in her individual capacity. Defendants deny that Pascua engaged in any unlawful conduct and deny the remaining allegations of Paragraph 11.

12. Defendant Commander Adrienne Stanley is now and was at all times complained of an officer employed by Defendant City of Chicago. She engaged in the conduct complained of while acting under the color of law and within the scope of her employment. She is sued in her individual capacity.

**ANSWER:** Defendants admit that Stanley is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Stanley, she was acting under color of law and within the scope of her employment, and admit that Plaintiffs purport to bring this action against Stanley in her individual capacity. Defendants deny that Stanley engaged in any unlawful conduct and deny the remaining allegations of Paragraph 12.

13. Defendant Sergeant Maurice Barnes is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

**ANSWER:** Defendants admit that Barnes is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Barnes, he was acting under color of law and within the scope of his employment, and admit that Plaintiffs purport to bring this action against Barnes in his individual capacity. Further answering, Defendants deny that Barnes engaged in any unlawful conduct and deny the remaining allegations of Paragraph 13.

14. Defendant Lieutenant Robert Cesario is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

**ANSWER:** Defendants admit that Cesario is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Cerario, he was acting under color of law and within the scope of his employment, and admit that Plaintiffs purport to bring this action against Cesario in his individual capacity. Defendants deny that Cesario engaged in any unlawful conduct and deny the remaining allegations of Paragraph 14.

15. Defendant Commander Joseph Salemmme is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

**ANSWER:** Defendants admit that Salemmme is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Salemmme, he was acting under color of law and within the scope of his employment, and admit that Plaintiffs purport to bring this action against Salemmme in his individual capacity. Defendants deny that Salemmme engaged in any unlawful conduct and deny the remaining allegations of Paragraph 15.

16. Defendant Sergeant Thomas Mills is now and was at all times complained of an officer employed by Defendant City of Chicago. He engaged in the conduct complained of while acting under the color of law and within the scope of his employment. He is sued in his individual capacity.

**ANSWER:** Defendants admit that Mills is and has been employed as an officer by the City for a period of time, admit that during all times alleged as it relates to Mills, he was acting under color of law and within the scope of his employment and admit that Plaintiffs purport to bring this action against Mills in his individual capacity. Further answering, Defendants deny that Mills engaged in any unlawful conduct and deny the remaining allegations of Paragraph 16.

### **STATEMENT OF FACTS**

17. In 1996, Plaintiff Shannon Spalding was appointed as a police officer with the City of Chicago. She has an exemplary record and is a highly decorated officer.

**ANSWER:** Defendant City admits that Spalding was appointed as a police officer with the City in 1996, and denies the remaining allegations of Paragraph 17. The Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 17.

18. In 1999, Plaintiff Daniel Echeverria was appointed as a police officer with the City of Chicago. He has an exemplary record and received numerous commendations between 1999 and 2010.

**ANSWER:** Defendant City admits that Echeverria was appointed as a police officer with the City in 1999, admits that Echeverria received certain commendations during his employment with the City, and denies the remaining allegations of Paragraph 18. The Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 18.

19. In May 2006, Plaintiffs were assigned to the “Narcotics Division,” Unit 189, where their work involved pro-active police efforts to combat drug crimes. They worked to develop confidential informants, obtain and conduct search warrants and conducted conspiracy investigations.

**ANSWER:** Defendants City, O’Grady and Roti admit that in or about May 2006, Plaintiffs were assigned to Unit 189, Narcotics Division, admit that their work included police efforts to combat drug crimes, admit that, among other things, Plaintiffs at certain times worked to develop confidential informants, obtain and conduct search warrants and conduct conspiracy investigations, and deny the remaining allegations of Paragraph 19. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 19.

20. In 2007, while working an undercover narcotics investigation, Plaintiffs uncovered evidence of illegal activity being committed by various Chicago Police Officers.

**ANSWER:** Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 20.

21. One of those officers was Sergeant Ronald Watts, who Plaintiffs had learned was involved in the narcotics trade and was using his police powers to extort drug dealers.

**ANSWER:** Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 21.

22. Over time, Plaintiffs learned more and more credible information that Sgt. Watts and his cohort were extorting drug dealers by demanding payments to keep them free of arrest and/or prosecution.

**ANSWER:** Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 22.

23. In 2007, while off-duty, Plaintiffs reported to the Federal Bureau of Investigation, Special Agent "P.S." the illegal activity by Sgt. Watts and others who worked with him.

**ANSWER:** Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 23.

24. Plaintiffs continued to meet with Special Agent "P.S.," who was assigned to the bureau's public corruption unit, intermittently through 2008 to discuss the information on Sgt. Watts that they continued to learn. Plaintiffs always did so while off-duty and in their personal capacities.

**ANSWER:** On information and belief, Defendants deny that Plaintiffs met with and discussed information regarding Sgt. Watts with Special Agent P.S. in their "personal capacities."

Answering further, Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 24.

25. After approximately a year of speaking to the F.B.I. in their personal capacities, the F.B.I. agents began to request that Plaintiffs spend more time assisting on the case. Because additional involvement with the investigation would encroach on their professional time, Plaintiffs responded that it would have to be conducted through the Chicago Police Department.

**ANSWER:** Defendants deny that Plaintiffs spoke to the F.B.I. in their "personal capacities."

Defendant City admits that Plaintiffs spent time working on the Watts investigation as police officers through the Chicago Police Department. Answering further, Defendants state they are



without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 25.

26. In August 2008, F.B.I. special agents met with the then-Chief of the Internal Affairs Division (“IAD”) for the Chicago Police Department to discuss the Watts investigation.

**ANSWER:** Defendant City admit that in or about August 2008, one or more F.B.I. agents met with the then-Chief of the IAD for the Chicago Police Department and discussed the Watts investigation, and denies the remaining allegations of Paragraph 26. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 26.

27. At a meeting with the F.B.I. and the Chief of IAD, Plaintiffs were informed that they would be joining the investigation in their official capacity as police officers. The federal investigation was highly confidential and Plaintiffs’ identities and involvement in the case were to remain confidential.

**ANSWER:** Defendant City admits that Plaintiffs spent time working on the Watts investigation as police officers through the Chicago Police Department, admits that the federal investigation was confidential and that information concerning the investigation and Plaintiffs’ identities and involvement was shared on a need to know basis, and denies the remaining allegations of Paragraph 27. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 27.

28. Certain CPD command staff knew of Plaintiffs’ involvement in the federal Watts investigation (known as “Operation Brass Tax”), including the Superintendent of Police, former-Deputy Superintendent (now Chief) Kirby, and the Chief of IAD (subsequently, Defendant Juan Rivera).

**ANSWER:** Defendant City admits, on information and belief, that at some point Kirby and Rivera had knowledge of Plaintiffs’ involvement in the Watts investigation. Answering further, Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 28.

29. Thereafter, although Plaintiffs remained assigned to the Narcotics Unit, they were detailed to “Detached Services,” Unit 543, and reported directly to F.B.I. headquarters to work on Operation Brass Tax.

**ANSWER:** Defendant City admits that for a period of time, Plaintiffs remained assigned to the Narcotics Unit but were detailed to “Detached Services,” Unit 543. Further answering, Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 29.

30. Over the next several years Plaintiffs continued to work on Operation Brass Tax. During that time, they were also encouraged by CPD command staff to develop other narcotics related cases, which overlapped with their work on Operation Brass Tax.

**ANSWER:** Defendant City admits that Plaintiffs worked on Operation Brass Tax as Chicago police officers for a certain period of time, denies that Plaintiffs were encouraged by CPD command staff to develop narcotics related cases which overlapped with Operation Brass Tax, and denies the remaining allegations of Paragraph 30. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 30.

31. On an unknown date, information that Plaintiffs had reported criminal misconduct by a sworn officer and were working with an outside investigation was leaked within the Department and became known to Defendant Commander O’Grady.

**ANSWER:** Defendants City and O’Grady admit that at some point O’Grady became aware that Plaintiffs were working on a federal investigation, and deny the remaining allegations of Paragraph 31. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 31.

32. Defendant O’Grady was the Commander of Unit 189, Plaintiffs’ unit of assignment.

**ANSWER:** Defendants City and O’Grady admit that O’Grady was the Commander of Unit 189 when Plaintiffs were assigned to Unit 189, and deny the remaining allegations of Paragraph 32.

Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 32.

33. In August 2010, Defendant O'Grady began a campaign of harassment and retaliation that persists to this day.

**ANSWER:** Defendants City and O'Grady deny the allegations of Paragraph 33. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 33.

34. On approximately August 17, 2010, Plaintiffs were developing a narcotics case, as they were previously approved to do. Plaintiffs submitted paperwork to Defendant O'Grady, seeking approval of a confidential informant. Although he initially approved the application, upon learning that it had been submitted by Plaintiffs, he rescinded the approval.

**ANSWER:** Defendants City and O'Grady admit that in or about August 2010, Plaintiffs submitted paperwork seeking approval of a confidential informant, admit that O'Grady did not approve the application because Plaintiffs at the time were detailed to another unit and were not officers working for the Bureau of Organized Crime, and deny the remaining allegations of Paragraph 34. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 34.

35. Defendant O'Grady then informed supervising personnel in the unit that Plaintiffs were "rats," meaning that they had reported other police officers' misconduct. Defendant O'Grady ordered that the unit was not to work with Plaintiffs and personnel in the unit should not assist Plaintiffs.

**ANSWER:** Defendants City and O'Grady deny the allegations of Paragraph 35. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 35.

36. By interfering with their ability to develop narcotics cases in their unit of assignment, Defendant O'Grady intentionally prohibited Plaintiffs from earning overtime.

**ANSWER:** Defendants City and O’Grady deny the allegations of Paragraph 36. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 36.

37. Although Plaintiffs were thereafter prevented from working overtime in Unit 189, other officers in the unit were able to use the intelligence provided by Plaintiffs to develop one or more successful narcotics cases and to earn overtime.

**ANSWER:** Defendants City and O’Grady deny the allegations of Paragraph 37. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 37.

38. On one or more dates, multiple Defendants discussed with one another the handling or treatment of Plaintiffs. At one such meeting, Plaintiffs’ possible reassignment within the Department was discussed. In response, Defendant O’Grady referred to Plaintiffs as “rats” and stated that he did not want Plaintiffs working in his unit.

**ANSWER:** Defendants City, O’Grady and Roti admit that on one or more dates, Roti discussed with O’Grady Plaintiffs’ possible reassignment within the Narcotics Department, and that on one or more dates, Roti and/or O’Grady discussed Plaintiffs’ possible reassignment within the Narcotics Department with Rivera. Defendants City, O’Grady and Roti deny the remaining allegations of Paragraph 38. Answering further, the remaining Individual Defendants deny that they had discussions with other Defendants concerning Plaintiffs’ possible reassignment within the Narcotics Department, and state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 38.

39. During the meeting, on information and belief, Defendant O’Grady stated words to the effect of, “God help them if they ever need help on the street, it ain’t coming.”

**ANSWER:** Defendants City and O’Grady deny the allegations of Paragraph 39. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 39.

40. Instead of putting a stop to his subordinate's retaliation against Plaintiffs, Defendant Chief Nicholas Roti, who was also present at the meeting, concurred with Defendant O'Grady.

**ANSWER:** Defendants City, Roti and O'Grady deny the allegations of Paragraph 40.

Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 40.

41. Defendant Chief Roti is the head of the Bureau of Organized Crime, which includes the Narcotics Division, the Gang Enforcement Division, and the Gang Investigation Division (which includes most of the Department's Task Forces, as well as the Vice and Intelligence Sections).

**ANSWER:** Defendants admit the allegations of Paragraph 41.

42. Defendant Chief Roti fostered, allowed, agreed to and encouraged the retaliation against Plaintiffs at this meeting and in the years that followed.

**ANSWER:** Defendants City and Roti deny the allegations of Paragraph 42. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 42.

43. Although Plaintiffs' years of exemplary police work made them a perfect fit for the Bureau of Organized Crime, Defendant Chief Roti would not allow Plaintiffs to work in any unit in the Bureau.

**ANSWER:** Defendants City and Roti admit that Plaintiffs were not returned to the Narcotics Division, and deny the remaining allegations of Paragraph 43. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 43.

44. Plaintiffs were informed that none of the "bosses" wanted them in their units and that their "careers are over."

**ANSWER:** Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 44.

45. In or near late May 2011, then-Deputy Superintendent (now, Chief) Defendant Debra Kirby caused Plaintiffs to be removed from their detail to Unit 543, Detached Services.

**ANSWER:** On information and belief, Defendant City denies the allegations of Paragraph 45.

Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 45.

46. At that time, the Deputy Superintendent of Detached Services, Beatrice Cuello, called Defendant Kirby to confirm that Plaintiffs were working on an undercover investigation and that the paperwork was in place.

**ANSWER:** On information and belief, Defendant City admits that at one point Beatrice Cuello contacted Kirby asking her about Plaintiffs' status. Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 46.

47. Despite her knowledge of Plaintiffs' detail to the federal investigation, Defendant Kirby falsely denied even knowing Plaintiffs or knowing that Plaintiffs were involved with any investigation. She did so knowing that this denial would jeopardize Plaintiffs' detail.

**ANSWER:** On information and belief, Defendant City denies the allegations of Paragraph 47.

Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 47.

48. Based upon Defendant Kirby's denials, Deputy Superintendent Cuello believed Plaintiffs had lied about their roles in the Watts investigation. As a result, Plaintiffs were kicked out of Unit 543.

**ANSWER:** On information and belief, Defendant City denies the allegations of Paragraph 48.

Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 48.

49. Despite having years of experience conducting undercover operations, eavesdropping operations, developing informants and other valuable police work, Defendants O'Grady and Roti would not allow Plaintiffs to return to any unit within Organized Crime including their own unit of assignment.

**ANSWER:** Defendants City, O'Grady and Roti admit that Plaintiffs had experience in uncover operations, eavesdropping operations, developing informants and other police work, admit that Plaintiffs were not returned to the Bureau of Organized Crime, and deny the remaining

allegations of Paragraph 49. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 49.

50. Because Plaintiffs had been labeled “rats” in the Department, they lost their specialized assignments, weekends and holidays off, take-home vehicles, and the ability to work unlimited overtime.

**ANSWER:** Defendant City denies that Plaintiffs were labeled “rats” and denies the remaining allegations of Paragraph 50. Answering further, the Individual Defendants deny labeling Plaintiffs as “rats” or retaliating against them, and state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 50.

51. Plaintiffs were therefore detailed to the Police Academy for the next three weeks.

**ANSWER:** Defendant City admits that at one point Plaintiffs were detailed to the Police Academy for a short period of time, and denies the remaining allegations of Paragraph 51. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 51.

52. During their time at the Police Academy, Plaintiffs often did nothing more than sit at desks. Other times they sat in on recruit or other courses, sometimes the same course repeatedly for no reason other than that no one knew why Plaintiffs were there.

**ANSWER:** Defendant City denies the allegations of Paragraph 52. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 52.

53. Plaintiffs were effectively on “house arrest” in retaliation for having investigated fellow officers.

**ANSWER:** Defendant City denies the allegations of Paragraph 53. Answering further, the Individual Defendants deny that they placed Plaintiffs on “house arrest” or retaliated against

them, and state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 53.

54. Although Plaintiffs complained to Defendant Chief Rivera about the retaliatory re-assignment to the Police Academy, he failed to take any action.

**ANSWER:** On information and belief, Defendant City denies the allegations of Paragraph 54.

Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 54.

55. Around the end of July 2011, Plaintiffs were moved to the Inspections Division, Unit 126.

**ANSWER:** Defendants City, Stanley and Pascua admit that in or about July 2011, Plaintiffs were detailed to the Inspection Division, Unit 126. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 55.

56. They remained detailed to Unit 126, Inspections until March 2012. Throughout that time Plaintiffs were subjected to harassment and hostility, which was directed by their immediate supervisor, Defendant Lt. Pascua.

**ANSWER:** Defendants City, Pascua, Stanley and Sadowski admit that Plaintiffs were detailed to Unit 126, Inspections for some period of time until in or about March 2012, admit that during some of that time Pascua was Plaintiffs' immediate supervisor, and deny the remaining allegations of Paragraph 56. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 56.

57. Defendant Lt. Pascua called Plaintiffs, "rat motherf---ers" and told them that she did not want them in the unit.



**ANSWER:** Defendants City and Pascua deny the allegations of Paragraph 57. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 57.

58. Defendant Lt. Pascua spread the word among their co-workers that Plaintiffs were “rats” and no one should talk to them.

**ANSWER:** Defendants City and Pascua deny the allegations of Paragraph 58. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 58.

59. Throughout their time in Unit 126, Defendant Lt. Pascua gave Plaintiffs few legitimate work assignments. Most of their time was spent sitting at desks idle or being forced to chauffeur Defendant Lt. Pascua, often on personal errands.

**ANSWER:** Defendants City and Pascua deny the allegations of Paragraph 59. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 59.

60. Defendant Lt. Pascua threatened to put a false case on Plaintiffs, saying “f--- them from narcotics...I’m a lawyer and know how to put a case together...I’m gonna work on getting them f---ing launched.”

**ANSWER:** Defendants City and Pascua deny the allegations of Paragraph 60. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 60.

61. On September 13, 2011, Plaintiffs met with their commanding officer, Defendant Commander Stanley and informed her of ongoing retaliation and hostile work environment in the unit. After being told of the retaliation, Defendant Stanley said, “I don’t want to hear this, I don’t want to know.”

**ANSWER:** Defendants City and Stanley deny that Plaintiffs informed Stanley of “ongoing retaliation and hostile work environment in the unit,” and deny the remaining allegations of Paragraph 61. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 61.

62. Defendant Commander Stanley did nothing to stop the retaliation or Lt. Pascua's inappropriate conduct including that she did not initiate a Complaint Register ("C.R.") about the retaliation as she was required to do by Department policy. By allowing the retaliation against Plaintiffs to continue unabated in her unit Defendant Commander Stanley condoned, encouraged, and agreed to the retaliation.

**ANSWER:** Defendants City and Stanley admit that Stanley did not initiate a Complaint Register concerning Pascua, and deny the remaining allegations of Paragraph 62. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 62.

63. Likewise, Defendant Chief Rivera knew of the constant retaliation against Plaintiffs but allowed it to continue unabated including that he refused to initiate an I.A.D. investigation into the harassment and retaliation.

**ANSWER:** Defendant City admits, on information and belief, that Rivera did not initiate an investigation regarding Plaintiffs, and denies the remaining allegations of Paragraph 63. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 63.

64. After Commander Stanley failed to address the retaliation, Defendant Lt. Sadowski joined in Lt. Pascua's campaign by repeatedly attempting to lodge false allegations of wrongdoing against Plaintiffs.

**ANSWER:** Defendants City, Stanley, Sadowski and Pascua deny the allegations of Paragraph 64. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 64.

65. In November 2011, as another manifestation of the City of Chicago's policy against investigating fellow officers, two Sergeants of the Internal Affairs Division told Plaintiffs "sometimes you have to turn a blind eye" to misconduct.

**ANSWER:** Defendants deny that the City has a policy against investigating fellow officers, and state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 65.

66. In October 2011, Plaintiffs were called back to assist the F.B.I. with the completion of Operation Brass Tax.

**ANSWER:** Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 66.

67. Plaintiffs continued to work on the case with the F.B.I. until the successful arrests and indictments of Sgt. Ronald Watts and Officer Kallat Mohammed in February 2012.

**ANSWER:** Defendant City admits that Sgt. Ronald Watts and Officer Kallat Mohammed were arrested and indicted in or about February 2012, and that during certain periods Plaintiffs worked on the case in their capacities as Chicago police officers. Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 67.

68. Because Plaintiffs had already been established to be “rats,” Defendant Chief Roti ordered that they were not allowed to return to the narcotics unit “or any other division of Organized Crime.”

**ANSWER:** Defendants City and Roti admit that Plaintiffs were not returned to the Bureau of Organized Crime, including the Narcotics Division, and deny the remaining allegations of Paragraph 68. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 68.

69. As a result, Plaintiffs were forced to return to Unit 126, which was an undesirable position as well as a hostile work environment due to the continued retaliation and harassment.

**ANSWER:** Defendant City admits that at some point following the indictment of Watts and Mohammed, Plaintiffs reported to Unit 126, and deny the remaining allegations of Paragraph 69. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 69.

70. When Plaintiff Spalding again asked Defendant Chief Rivera to initiate a C.R. investigation for a hostile work environment after she began to suffer anxiety attacks, Rivera refused to acknowledge the request.

**ANSWER:** Defendant City admits, on information and belief, that Rivera did not initiate a C.R. regarding Plaintiffs, states it is without knowledge or information sufficient to admit or deny the allegation that Spalding suffered anxiety attacks, and denies the remaining allegations of Paragraph 70. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 70.

71. In repeatedly refusing to initiate a C.R. investigation into the hostile work environment, Defendant Chief Rivera condoned, encouraged, agreed to and allowed the retaliation to continue unabated.

**ANSWER:** Defendant City admits, on information and belief, that Rivera did not initiate a C.R. regarding Plaintiffs, and denies the remaining allegations of Paragraph 71. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 71.

72. Plaintiffs were not given assignments with Unit 126 and were again made to sit idly, sometimes for up to eight hours a day.

**ANSWER:** Defendant City denies the allegations of Paragraph 72. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 72.

73. On March 20, 2012, Plaintiffs were detailed to the Bureau of Detectives, Fugitive Apprehension, Unit 606. Within that Unit, Plaintiffs were assigned to the United States Marshal's Task Force.

**ANSWER:** Defendants City, Salemmme, Cesario and Barnes admit that in or about March 2012, Plaintiffs were detailed to Bureau of Detectives, Fugitive Apprehension, Unit 606, deny that Plaintiffs were assigned to the U.S. Marshal's Task Force, and deny the remaining allegations of Paragraph 73. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 73.

74. Defendant Joseph Salemmme was the Commander of Fugitive Apprehension; Defendant Robert Cesario was Plaintiffs' Lieutenant in the unit; and Defendant Sgt. Maurice Barnes was Plaintiffs' immediate supervisor on the U.S. Marshal's Task Force Team.

**ANSWER:** Defendants City, Salemmme, Cesario and Barnes admit that at the time Plaintiffs were detailed to Unit 606 in or about March 2012, Barnes was Plaintiffs' immediate supervisor, Cesario was the Commanding Officer of Fugitive Apprehension, and Salemmme was the Commander of Unit 606, Central Investigations, deny that Plaintiffs were on the U.S. Marshal's Task Force Team, and deny the remaining allegations of Paragraph 74. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 74.

75. Upon information and belief, on or around the day of their initial detail to the U.S. Marshal's Task Force Team, Defendant O'Grady went out of his way to personally inform Plaintiffs' new supervisors that they were "rats" and should be treated accordingly.

**ANSWER:** Defendants City, Salemmme, Cesario and Barnes deny that Plaintiffs were detailed to the U.S. Marshal's Task Force Team, and deny the remaining allegations of Paragraph 75. Defendant O'Grady denies that he informed Plaintiffs' new supervisors that they were rats and should be treated accordingly, and states he is without knowledge or information to admit or deny the remaining allegations of Paragraph 75. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 75.

76. Defendant Sgt. Barnes thereafter informed Plaintiffs' new team that they were "rats," that Plaintiffs should not be trusted or backed up by the team.

**ANSWER:** Defendants City and Barnes deny the allegations of Paragraph 76. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 76.

77. At one point, Defendant Sgt. Barnes removed Plaintiffs from a high profile case to which they had been assigned; because they were “rats,” Plaintiffs would not be allowed to work the case.

**ANSWER:** Defendants City and Barnes deny the allegations of Paragraph 77. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 77.

78. When Plaintiff Spalding tried to talk to Sgt. Barnes in an effort to prevent further retaliation, Sgt. Barnes repeatedly referenced that Plaintiffs had brought down a sergeant (referring to Watts).

**ANSWER:** Defendants City and Barnes deny the allegations of Paragraph 78. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 78.

79. Sgt. Barnes told Plaintiff Spalding that the team hated them and would not back them up if they were in need. He stated words to the effect of, “I don’t want to tell your daughter you’re coming home in a box because the team won’t help you on the street.”

**ANSWER:** Defendants City and Barnes deny the allegations of Paragraph 79. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 79.

80. On or about June 20, 2012, Plaintiffs were ordered to meet with Defendants Commander Salemm, Lt. Cesario and Sgt. Barnes at Unit 606 headquarters.

**ANSWER:** Defendants City, Salemm, Cesario and Barnes admit that in or about June 2012, Plaintiffs met with Salemm, Cesario and Barnes at Unit 606 headquarters, and deny the remaining allegations of Paragraph 80. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 80.

81. Defendants Commander Salemm, Lt. Cesario and Sgt. Barnes removed Plaintiffs from the Marshal’s Taskforce Team, located on the far Southside, where they worked days (7 a.m. to 3 p.m. Defendants had Plaintiffs placed on a team located on the Northside, working the third watch (4 p.m. to 12 p.m.).

**ANSWER:** Defendants City, Salemmme, Cesario and Barnes admit that in or about June 2012, Plaintiffs were transferred from the 2nd Watch South fugitive apprehension team, which works 7 am to 3pm, to the 3rd Watch North fugitive apprehension team, which works 4 pm to 12 pm., deny that Plaintiffs had been on the Marshal's Task Force Team or were removed from the Marshal's Task Force Team, and deny the remaining allegations of Paragraph 81. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 81.

82. During the meeting, Defendant Commander Salemmme told Plaintiffs words to the effect of, "you brought this baggage on yourselves ... if you go against sworn personnel you know this will happen."

**ANSWER:** Defendants City and Salemmme deny the allegations of Paragraph 82. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 82.

83. Defendant Lt. Cesario said words to the effect of, Plaintiffs were being sent "up north" and would not get a take-home car, Marshal's pay, overtime or be deputized. He made clear, "that will never happen for you."

**ANSWER:** Defendants City and Cesario admit that Plaintiffs were advised that they were being transferred to the 3rd Watch North fugitive apprehension team, admit that non-Task Force Officers, including Plaintiffs, were not assigned a take home car, and deny the remaining allegations of Paragraph 83. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 83.

84. When Plaintiffs were initially assigned to the Task Force, they had been informed that when positions opened up for deputization by the U.S. Marshals, they—like other members of the Task Force – would be deputized.

**ANSWER:** Defendants City, Salemmme, Cesario and Barnes deny that Plaintiffs were assigned to the Marshals Task Force, and deny the remaining allegations of Paragraph 84. Answering

further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 84.

85. Shortly after Plaintiffs were removed from the Task Force Team, dozens of positions for officers to be deputized as U.S. Marshals opened up. After Plaintiffs' removal from the team, other officers with less seniority than Plaintiffs were brought into Unit 606 and deputized while Plaintiffs were passed up.

**ANSWER:** Defendant City admits that certain positions in which officers were deputized by the U.S. Marshals became available in 2012, admits that Plaintiffs were not selected for such positions, deny that Plaintiffs had been on the Task Force Team or were removed from the Task Force Team, deny that seniority is determinative for the selection of Task Force Officers to be deputized by the U.S. Marshals, and deny the remaining allegations of Paragraph 85. Defendants Salemm, Cesario and Barnes deny that Plaintiffs had been on the Task Force Team or were removed from the Task Force Team. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 85.

86. In fact, since then, dozens of other officers in the Fugitives Apprehension Unit have been deputized by the U.S. Marshals including other officers from Plaintiffs' current team. As Lt. Cesario promised, however, Plaintiffs have been continually passed up for deputization.

**ANSWER:** Defendant Cesario denies that he promised that Plaintiffs would not be deputized. Defendants City, Salemm, Cesario, Barnes and Mills admit that certain officers in the Fugitive Apprehension Unit have been selected for a Task Force Officer position and deputized by the U.S Marshals, including officers from Plaintiffs' teams, admit that Plaintiffs have not been selected for a Task Force Officer position or deputized by the U.S. Marshals, and deny the remaining allegations of Paragraph 86. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 86.



87. On June 23, 2012, Plaintiffs contacted Defendant Chief Rivera from I.A.D. to lodge another complaint. Again, their complaint was ignored.

**ANSWER:** On information and belief, Defendant City denies that Rivera ignored any complaint that may have been lodged by Plaintiffs, and states that it is without knowledge or information sufficient to admit or deny the allegation that on June 23, 2012, Plaintiffs lodged a Complaint with Rivera. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 87.

88. On June 25, 2012, Plaintiffs were reassigned to a nighttime fugitive apprehension team and relocated to the Northside of Chicago. This reassignment was a step backwards for Plaintiff professionally, as well as an inconvenience.

**ANSWER:** Defendants City, Salemmé, Cesario, Barnes and Mills admit that on or about June 25, 2012, Plaintiffs were assigned to the 3rd Watch North fugitive apprehension team, state they are without knowledge or information sufficient to admit or deny whether this was an “inconvenience” to Plaintiffs, and deny the remaining allegations of Paragraph 88. Answering further, the Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 88.

89. On August 17, 2012, Sgt. Watts’ co-conspirator, Officer Mohammed pled guilty to extorting drug dealers. In his plea, he described the criminal misconduct going back to at least 2007.

**ANSWER:** Defendant City admits that on or about August 17, 2012, Mohammed pled guilty. Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 89.

90. Around the same time, Defendant Commander O’Grady “banned” Plaintiff Spalding from entering Chicago Police Headquarters at Homan Square, where she was assigned a locker.

**ANSWER:** Defendants City and O’Grady deny that O’Grady “banned” Spalding from entering Homan Square. Defendants state they are without knowledge or information sufficient to admit

or deny the remaining allegations of Paragraph 90, including whether Spalding was assigned a locker at Homan Square.

91. Plaintiffs' own supervisor, Defendant Lt. Cesario, stressed that Plaintiff should "heed the warning that O'Grady doesn't want you there."

**ANSWER:** Defendants City and Cesario admit that Cesario advised Spalding that O'Grady requested that she not come to Homan Square unless she is on police business, and deny the remaining allegations of Paragraph 91. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 91.

#### **Retaliation Resulting from the Lawsuit and Speech in the Media**

92. On November 1, 2012, Plaintiffs filed the original civil action in this case complaining of the above-described retaliation.

**ANSWER:** Defendants admit the allegations of Paragraph 92.

93. Following the filing, Chicago area media publicized Plaintiffs' reporting of the Watts' criminal misconduct and the Department-wide effort to punish Plaintiffs for reporting police corruption.

**ANSWER:** Defendants admit that following Plaintiffs' filing of this lawsuit, some Chicago area media publicized the allegations in the lawsuit. Defendants deny that there was or is any Department-wide effort to punish Plaintiffs for reporting police corruption, and deny the remaining allegations of Paragraph 93.

94. While accounts of the prevalence of the code of silence among Chicago Police Department rank-and-file have been widely reported for years, Plaintiffs' case shed new light on Department's top ranking members explicit enforcement of the code of silence.

**ANSWER:** Defendants deny that there is a code of silence within the Chicago Police Department and deny the remaining allegations of Paragraph 94.

95. Plaintiffs appeared in the media, including local television and newspapers telling of the years of retaliation that they endured at the hands of their superiors.

**ANSWER:** Defendants admit that Plaintiffs appeared in the media, including local television and newspapers, discussing the allegations of their lawsuit. Defendants deny the remaining allegations of Paragraph 95.

96. As a result, Plaintiffs experienced new and additional retaliation.

**ANSWER:** Defendants deny the allegations of Paragraph 96.

97. Prior to the lawsuit, Plaintiffs' current supervisor, Defendant Sgt. Mills seemed to defend Plaintiffs in the face of the retaliation coming from outside the team.

**ANSWER:** Defendants City and Mills admit that when he became their supervisor, Mills told Plaintiffs words to the effect that they would get a "fresh start" or "new beginning" with him, deny that Plaintiffs faced retaliation coming from outside the team, and deny the remaining allegations of Paragraph 97. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 97.

98. Since the filing of the lawsuit, and Plaintiffs' related media appearances, Plaintiffs have faced retaliation within the team, including that they are now ostracized and are no longer included in team activities.

**ANSWER:** Defendants deny the allegations of Paragraph 98.

99. Defendant Sgt. Mills regularly brings up the fact that Plaintiffs have a lawsuit and are making allegations against the "bosses."

**ANSWER:** Defendants City and Mills deny the allegations of Paragraph 99. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 99.

100. Defendant Sgt. Mills constantly is badgering Plaintiffs making their day to day work more difficult. For example, Sgt. Mills insists that even when the team is working on the Southside, Plaintiffs must return to the Northside office to check-off while the rest of the team is allowed to leave directly from the Southside.

**ANSWER:** Defendants City and Mills admit that the officers on Mills' team, including Plaintiffs, are generally required to return to the team's office at the end of each shift, and deny the remaining allegations of Paragraph 100. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 100.

101. Defendant Sgt. Mills has ordered Plaintiffs to only return to the team's office for check-off at the end of the day. Other officers freely come and go from the office while Plaintiffs risk ridicule and harassment if they do so.

**ANSWER:** Defendants City and Mills admit that Mills generally requires the members on his team, including Plaintiffs, to return to the team's office at the end of each shift, and deny the remaining allegations of Paragraph 101. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 101.

102. Defendant Sgt. Mills has repeatedly made it difficult for Plaintiffs to work overtime hours while the rest of the team does so without hindrance.

**ANSWER:** Defendants City and Mills deny the allegations of Paragraph 102. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 102.

103. Defendant Sgt. Mills has prevented Plaintiffs from working up cases, as well as excluded them from team arrests, while simultaneously threatening to remove Plaintiffs from the team for "not producing" (arrests).

**ANSWER:** Defendants City and Mills deny the allegations of Paragraph 103. Answering further, the remaining Individual Defendants state they are without knowledge or information sufficient to admit or deny the allegations of Paragraph 103.

104. On one occasion when Plaintiffs were allowed to pursue the arrest of a felon who was known to be violent and dangerous, Plaintiffs were assured by their team that the team would be present for the necessary back-up and support.

**ANSWER:** Defendants City and Mills admit that Plaintiffs' team would provide necessary back-up and support to the team members, including Plaintiffs. Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 104.

105. However, when Plaintiffs arrived as scheduled, their team was nowhere in sight. Instead, they received a text from Defendant Sgt. Mills stating, "be careful."

**ANSWER:** Defendants City and Mills admit that Mills has often advised his team members to "be careful" if they are involved in a dangerous arrest. Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 105.

106. In light of the danger presented by the suspect, Plaintiffs took this to be a threat to their safety and well-being.

**ANSWER:** Defendants City and Mills deny that Mills ever threatened Plaintiffs' safety or well-being. Defendants state they are without knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 106.

### **COUNT I – FIRST AMENDMENT RETALIATION**

107. Plaintiffs repeat, re-allege and incorporate by reference the factual allegations above as fully set forth herein.

**ANSWER:** Defendants reallege and incorporate by reference their answers to the factual allegations above as if fully set forth herein.

108. The First Amendment to the United States Constitution guarantees Plaintiffs' rights to speak out on matters of public concern without fear of unjust retaliation.

**ANSWER:** Defendants state that the allegations of Paragraph 108 constitute legal conclusions for which no answer is required. To the extent an answer is required, Defendants deny the allegations of Paragraph 108.

109. As described more fully above, Plaintiffs engaged in extensive protected speech on matters of public concern by reporting on the criminal misconduct and corruption of Sgt. Watts, Officer Mohammed and others to the F.B.I.

**ANSWER:** Defendants state that the allegations that Plaintiffs engaged in “protected speech on matters of public concern” constitute legal conclusions for which no answer is required. To the extent an answer is required, Defendants deny the allegations of Paragraph 109.

110. As described more fully above, Plaintiffs engaged in extensive protected speech on matters of public concern by filing this civil action and speaking out in the media about the retaliation that they have faced and the prevalence of the code of silence within the Chicago Police Department.

**ANSWER:** Defendants state that the allegations that Plaintiffs engaged in “protected speech on matters of public concern” constitute legal conclusions for which no answer is required. To the extent an answer is required, Defendants deny the allegation of Paragraph 110.

111. As a result of their exercise of protected speech, Defendants City of Chicago, Chief Rivera, Chief Kirby, Commander O’Grady, Chief Roti, Lieutenant Pascua, Commander Stanley, Sergeant Barnes, Lieutenant Sadowski, Lieutenant Cesario, Commander Salemme, and Sergeant Mills retaliated against Plaintiffs in the manner described in the preceding paragraphs.

**ANSWER:** Defendants state that the allegations that Plaintiffs engaged in “protected speech” constitute legal conclusions for which no answer is required. To the extent an answer is required, Defendants deny that allegation and deny the remaining allegations of Paragraph 111.

112. Retaliation against Plaintiffs was devised, approved and carried out by individuals with final policymaking authority with respect to the actions taken, including as follows:

a. By authority delegated to him by the Chicago City Council, the Superintendent of Police is responsible for the general management and control of the police department, and has full and complete authority to administer the department. The Superintendent has the power and the duty to administer the affairs of the department as its chief administrative officer, including to make appointments, promotions, transfers and to take disciplinary action against department employees; to appoint, discharge, suspend or transfer employees; and to issue instructions to department employees in the line of their duties.

b. Within the Department, the Superintendent has delegated certain policymaking authority to his Chiefs, including Defendants Kirby, Rivera and Roti.

c. The Superintendent, as well as Defendant Chiefs Kirby, Rivera and Roti, were responsible for the retaliatory re-assignments and effective demotions to Plaintiffs.

d. The Superintendent, as well as Defendant Chiefs Kirby, Rivera and Roti, were aware of the retaliation against Plaintiffs, described above, and knowingly allowed it to continue unabated thereby encouraging, fostering and causing the retaliation.

**ANSWER:** Defendants deny the allegations of Paragraph 112 and each of its subparts.

113. The misconduct described in this Count was the result of Defendant City of Chicago's deliberate indifference to the policies and widespread practices described more fully above and in that:

a. Municipal policymakers are aware of, condone and facilitate by their inaction, a "code of silence" in the Chicago Police Department, by which officers understand that they should cover for each other unconditionally and that failure to do so amounts to a betrayal.

b. Municipal policymakers are aware of, condone and facilitate by their inaction, the enforcement of the "code of silence" within the Department through the retaliation against officers who do report the misconduct of other officers.

c. The City Council's Committee on Police and Fire has recognized the existence of the code of silence within the Chicago Police Department but has failed to take the necessary steps to protect officers who break the Code of Silence and suffer retaliation as a result.

d. As a matter of both policy and practice, the City of Chicago directly encouraged, and was thereby the moving force behind the very type of misconduct at issue here by failing to adequately supervise, discipline, and control its officers, such that its failure to do so manifests deliberate indifference.

e. As a matter of both policy and practice, the City of Chicago facilitated the very type of misconduct at issue here by allowing it to continue as a matter of practice within the Department, thereby leading Chicago police officers to believe that the code of silence will be enforced throughout the Department and, in that way, directly encouraging future abuses.

f. As a matter of widespread practice so prevalent as to comprise municipal policy, officers of the Chicago Police Department who have dared to speak out about the misconduct of others have experienced retaliation a manner similar to that alleged by Plaintiffs.

**ANSWER:** Defendants deny the allegations of Paragraph 113 and each of its subparts.

114. As a result of the aforementioned deprivation of federal rights, Plaintiffs have suffered and will likely continue to suffer injuries including but not limited to emotional distress.

**ANSWER:** Defendants deny the allegations of Paragraph 114.

## **COUNT II – CONSPIRACY VIA 42 U.S.C. § 1983**

115. Plaintiffs repeat, re-allege and incorporate by reference the factual allegations above as fully set forth herein.

**ANSWER:** Defendants reallege and incorporate by reference their answers to the factual allegations above as if fully set forth herein.

116. As described in the preceding paragraphs, Defendants, acting in concert with other known and unknown conspirators, reached an understanding to deprive Plaintiffs of their Constitutional rights.

**ANSWER:** Defendants deny the allegations of Paragraph 116.

117. Plaintiffs were deprived of their Constitutional rights in the manner described in the preceding paragraphs.

**ANSWER:** Defendants deny the allegations of Paragraph 117.

118. That in furtherance of the conspiracy, Defendants committed overt acts and were otherwise willful participants in joint activity with state actors under color of law.

**ANSWER:** Defendants deny the allegations of Paragraph 118.

119. That the misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

**ANSWER:** Defendants deny the allegations of Paragraph 119.

120. As a result of the aforementioned deprivation of federal rights, Plaintiffs have suffered and will likely continue to suffer injuries including but not limited to emotional distress.

**ANSWER:** Defendants deny the allegations of Paragraph 120.

### **COUNT III – VIOLATION OF THE ILLINOIS WHISTLEBLOWER PROTECTION ACT**

121. Plaintiffs repeat, re-allege and incorporate by reference the factual allegations above as fully set forth herein.

**ANSWER:** Defendant City realleges and incorporates by reference its answers to the factual allegations above as if fully set forth herein. As this Count III is directed to Defendant City only, no answer is required by the Individual Defendants. To the extent an answer is required by the



Individual Defendants, the Individual Defendants deny any and all allegations of wrongful conduct, including any alleged violation of the Illinois Whistleblower Protection Act.

122. The City of Chicago was at all times complained of Plaintiffs' employer as defined in 740 ILCS § 174/5.

**ANSWER:** Defendant City denies that it violated the Illinois Whistleblower Protection Act (the "Act"), but admits the allegations of Paragraph 122.

123. Plaintiffs were at all times complained of employees of the City of Chicago as defined in 740 ILCS § 174/5.

**ANSWER:** Defendant City denies that it violated the Act, but admits the allegations of Paragraph 123.

124. The City of Chicago and its employees and agents were prohibited according to 740 ILCS § 174/15 from retaliating against Plaintiffs for disclosing to the F.B.I. what they reasonably believed and in fact knew were multiple violations state and federal laws by Watts, Mohammed and other Chicago Police Officers.

**ANSWER:** Defendant City states that the allegations of Paragraph 124 constitute legal conclusions for which no answer is requested. Further answering, Defendant City denies that the City or its employees or agents retaliated against Plaintiffs, denies that Plaintiffs made a protected disclosure under the Act, denies that the City violated the Act, and denies the remaining allegations of Paragraph 124.

125. The City of Chicago retaliated against Plaintiffs in the manner described in the preceding paragraphs as a result of their reporting of the criminal misconduct.

**ANSWER:** Defendant City denies the allegations of Paragraph 125.

126. As a result of the aforesaid retaliation, Plaintiffs have suffered and will likely continue to suffer injuries including but not limited to emotional distress.

**ANSWER:** Defendant City denies the allegations of Paragraph 126.

#### **AFFIRMATIVE DEFENSES TO AMENDED COMPLAINT**

1. Plaintiffs' claims and their right to recovery are barred, in whole or in part, by the applicable statute(s) of limitations.

2. Plaintiffs' claims are barred, in whole or in part, by Defendants' immunity or qualified immunity.

3. Plaintiffs' state law claims are barred, in whole or part, by the Illinois Tort Immunity Act.

4. Plaintiffs' state law claims are barred, in whole or in part, by the one-year statute of limitations period in the Illinois Tort Immunity Act.

5. Plaintiffs' conspiracy claim is barred by the intra-corporate conspiracy doctrine.

6. Plaintiffs have failed to reasonably mitigate their damages, if any.

7. Plaintiffs' claims fail because the Individual Defendants' statements alleged in this action were protected by the common law doctrine of absolute privilege.

8. Under the common law doctrine of public officials' immunity, the Individual Defendants are immune from liability for any decisions any of them made that were based on his or her discretionary actions.

9. Plaintiffs' recovery in this action, if any, must be decreased by the amount of any earnings, compensation and benefits received by Plaintiffs during the relevant period.

10. Defendant City is not liable on Plaintiffs' First Amendment or conspiracy claims under Section 1983 because the City is a public entity and no official policy or custom of discrimination or other basis for municipal liability exists.

11. Plaintiffs may not recover punitive damages in this action because Defendants engaged in good faith efforts to comply with the law.

12. Plaintiffs are not entitled to punitive damages against Defendant City because Defendant City is a public employer and a municipality.

13. Plaintiffs' claims, in whole or in part, must be dismissed because even if Plaintiffs could demonstrate that any employment decisions concerning them were made by Defendants based on an illegal motive, Defendants would have made the same decisions absent the illegal motive.

14. Plaintiffs' claims, in whole or in part, fail to state a claim upon which relief can be granted.

WHEREFORE, Defendants respectfully pray that Plaintiffs take nothing by the Amended Complaint and request that the Court:

- (a) Enter judgment in favor of Defendants and against Plaintiffs;
- (b) Order Plaintiffs to pay Defendants' costs and reasonable attorneys' fees incurred in defending against this action; and
- (c) Grant such other and further relief to Defendants as the Court deems just and equitable under the circumstances.

Dated: April 3, 2014

Respectfully submitted,  
**CITY OF CHICAGO**

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# Exhibit C

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014

1-4

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF ILLINOIS 3 EASTERN DIVISION 4 CHICAGO POLICE OFFICERS ) 5 SHANNON SPALDING and ) 6 DANIEL ECHEVERRIA, ) 7 ) 8 Plaintiffs, ) 9 vs. ) No. 12 C 8777 10 ) 11 CITY OF CHICAGO, Chicago ) 12 Police Chief JUAN ) 13 RIVERA, Chicago Police ) 14 Chief DEBRA KIRBY, ) 15 Chicago Police Commander ) 16 JAMES O'GRADY, Chicago ) 17 Police Chief NICHOLAS ) 18 ROTI, Chicago Police Lt. ) 19 KEVIN SADOWSKI, Chicago ) 20 Police Lt. DEBORAH ) 21 PASCUA, Chicago Police ) 22 Commander ADRIENNE ) 23 STANLEY, Chicago Police ) 24 Sergeant MAURICE BARNES, ) Chicago Police Lt. ) ROBERT CESARIO, Chicago ) Police Commander JOSEPH ) SALEMME, Chicago Police ) Sergeant THOMAS MILLS, ) Defendants. )</p> <p>The deposition of SHANNON MARIE SPALDING, called for examination, taken pursuant to the provisions of the Code of Civil Procedure and the Rules of the Supreme Court of the State of Illinois pertaining to the taking of depositions for the purpose of discovery taken before SUSAN HASELKAMP, CSR No. 084-004022, Certified Shorthand Reporter of said state, on November 18, 2014, at the hour of 9:26 a.m. at 191 North Wacker Drive, Suite 3700, Chicago, Illinois, pursuant to notice.</p>	<p style="text-align: right;">Page 3</p> <p>1 (Whereupon, the witness was duly 2 sworn.) 3 SHANNON MARIE SPALDING, 4 having been first duly sworn, was examined and 5 testified as follows: 6 EXAMINATION 7 BY MR. KING: 8 Q. Let the record reflect that is this the 9 deposition of one of the Plaintiffs 10 Shannon Spalding being taken pursuant to notice 11 and agreement of the parties and pursuant to 12 applicable rules of the Federal Rules of Civil 13 Procedure and Federal Rules of Evidence. 14 Ms. Spalding, can you state your full 15 name and spell your last name again for the 16 record. 17 A. Shannon Marie Spalding, 18 S-P-A-L-D-I-N-G. 19 Q. And have you ever given a deposition 20 before? 21 A. Once. 22 Q. Once. What kind of case was that? 23 A. It was an accident case. 24 Q. Okay. Were you the plaintiff?</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 3 CHRISTOPHER SMITH TRIAL GROUP, 4 MR. CHRISTOPHER R. SMITH, 5 One North LaSalle Street 6 Suite 3040 7 Chicago, Illinois 60602 8 (312) 432-0400 9 office@crstrialgroup.com 10 Representing the Plaintiffs; 11 12 DRINKER, BIDDLE &amp; REATH LLP, by 13 MR. ALAN S. KING, 14 191 North Wacker Drive 15 Suite 3700 16 Chicago, Illinois 60606-1698 17 (312) 569-1334 18 alan.king@dbr.com 19 Representing the Defendants. 20 21 ALSO PRESENT: MR. DANIEL ECHEVERRIA 22 23 24</p>	<p style="text-align: right;">Page 4</p> <p>1 A. No. 2 Q. Okay. Well, I'm sure you're pretty 3 familiar with what's going to go on here today 4 but I'll go over -- 5 A. Please. 6 Q. -- a few ground rules. Obviously 7 you've been -- I'll be asking you questions, 8 you've been sworn to tell the truth in response 9 to my questions. If you don't understand any of 10 my questions or if I'm speaking too fast, feel 11 free to let me know. I can try to rephrase the 12 question, I'll be happy to slow down. I see you 13 nodding the head. And another rule that we need 14 to make sure -- 15 A. I understand. 16 Q. -- that your answers are verbal so the 17 court reporter will be able to take them down. 18 Another issue with the court reporter 19 is that it's difficult for her to take down 20 anything if we're both talking at the same time. 21 So I'll do my best to allow you to answer the 22 questions if you'll allow me to get the 23 questions out, this will go a little bit 24 smoother. Okay?</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
5-8

<p style="text-align: right;">Page 5</p> <p>1 A. Okay. Thank you.</p> <p>2 Q. Thank you. And if you need to take a</p> <p>3 break at any point, that should be fine. The</p> <p>4 only thing that I would ask is that you not take</p> <p>5 a break while there's a question pending. Okay?</p> <p>6 A. Okay.</p> <p>7 Q. Okay. What's your current home</p> <p>8 address?</p> <p>9 A. 11016 South Central Park Avenue,</p> <p>10 Chicago, 60655.</p> <p>11 Q. And how long have you lived at that</p> <p>12 address?</p> <p>13 A. Approximately under two months.</p> <p>14 Q. Okay. And where were you living prior</p> <p>15 to that?</p> <p>16 A. 3421 West 115th Place, Chicago, 60655.</p> <p>17 Q. Okay. And how long were you at that</p> <p>18 address?</p> <p>19 A. Almost eight years.</p> <p>20 Q. And at your current address, is there</p> <p>21 anyone living there with you?</p> <p>22 A. Yes.</p> <p>23 Q. Who would that be?</p> <p>24 A. My daughter.</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. And are you seeking some kind of review</p> <p>2 of that?</p> <p>3 A. Yes. A grievance was filed by the FOP.</p> <p>4 Q. Okay. So am I correct that at some</p> <p>5 point, you were on medical leave that was paid</p> <p>6 and then you reached a point where it became</p> <p>7 unpaid, correct?</p> <p>8 A. Yes, correct.</p> <p>9 Q. And do you recall when the paid medical</p> <p>10 leave ended?</p> <p>11 A. Yes. It was in June of this year.</p> <p>12 Q. Okay. And since June of this year when</p> <p>13 your pay was stopped, have you had any other</p> <p>14 sources of income?</p> <p>15 A. I was approved for a partial disability</p> <p>16 by the pension board until my case can be</p> <p>17 reviewed for full duty disability benefits. And</p> <p>18 that partial, I believe it is called ordinary</p> <p>19 disability, kicked in I'm not sure if it was the</p> <p>20 end of July or August.</p> <p>21 Q. Okay. And does that pay you a portion</p> <p>22 of your regular compensation with the</p> <p>23 department?</p> <p>24 A. Yes, it does.</p>
<p style="text-align: right;">Page 6</p> <p>1 Q. Okay. I'm sorry.</p> <p>2 A. It's my -- my daughter is renting the</p> <p>3 house. Her boyfriend.</p> <p>4 Q. Okay.</p> <p>5 A. And my boyfriend.</p> <p>6 Q. Okay. And your boyfriend is?</p> <p>7 A. Anthony Hernandez.</p> <p>8 Q. Thank you. And you're currently still</p> <p>9 employed with the Chicago Police Department?</p> <p>10 A. I am currently still employed, yes.</p> <p>11 Q. Okay.</p> <p>12 A. But not actively at work.</p> <p>13 Q. Okay. You're on medical leave?</p> <p>14 A. I am on disability leave.</p> <p>15 Q. Okay. It's my understanding you had</p> <p>16 made an application for injured on duty status;</p> <p>17 is that correct?</p> <p>18 A. That is correct.</p> <p>19 Q. To your knowledge has there been any</p> <p>20 determination on that application?</p> <p>21 A. Yes. It was denied as an IOD, injured</p> <p>22 on duty --</p> <p>23 Q. Okay.</p> <p>24 A. -- by the committee on finance.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. And do you know what portion you</p> <p>2 received under the ordinary disability?</p> <p>3 A. Don't quote me the exact amount, but</p> <p>4 it's roughly \$3,200 or \$3,400 a month.</p> <p>5 Q. And what was your regular rate of pay</p> <p>6 before?</p> <p>7 A. I don't even know what we got paid</p> <p>8 hourly, but I do know that it is double. That</p> <p>9 is what I believe it is. But that's -- and then</p> <p>10 taxes. Probably 5 or more, 5,000 or more.</p> <p>11 Q. Your regular rate of pay --</p> <p>12 A. Yeah.</p> <p>13 Q. -- before your pay was stopped --</p> <p>14 A. Yeah.</p> <p>15 Q. -- is what you believe was</p> <p>16 approximately --</p> <p>17 A. Yeah.</p> <p>18 Q. -- \$5,000 a month?</p> <p>19 A. Yeah.</p> <p>20 Q. And the -- did I hear you correctly</p> <p>21 that the amount you're getting for ordinary</p> <p>22 disability --</p> <p>23 A. Correct.</p> <p>24 Q. -- is half, 50 percent of your pay?</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
9-12

<p style="text-align: right;">Page 9</p> <p>1 A. I believe it's something like that. 2 It's -- the checks I've received are somewhere 3 between, I'm guessing the amount, the proximity 4 of 3,200 to 3,400 once a month. 5 Q. Okay. You don't remember them telling 6 you a percentage, like you'll get 50 percent of 7 your pay? 8 A. I'm not -- I can't be exactly sure. I 9 can't recall exactly, and I don't want to guess. 10 Q. That's fine, okay. 11 And since your pay was initially 12 stopped in June, 2014, have you had any other 13 employment? 14 A. No. 15 Q. Okay. Have you had any other sources 16 of income other than the ordinary disability 17 payments? 18 A. Not income but I -- no. 19 Q. Okay. You started with the police 20 department in 1996; is that correct? 21 A. That's correct. 22 Q. Okay. Can you, as best as you can, 23 just explain sort of your history from when you 24 were -- when you started, where you were</p>	<p style="text-align: right;">Page 11</p> <p>1 Housing South. 2 Q. Do you remember any of your supervisors 3 in the 2nd District? 4 A. In the 2nd District, I -- honestly, I 5 remember it was the Watch Commander Michael 6 Byrne. No, I don't remember the sergeants. 7 Q. Okay. 8 A. And then I went to work for Commander 9 Toliver in Public Housing South. There were 10 multiple supervisors there that worked there. 11 Glenn Evans was my supervisor at the time. And 12 I know there was a supervisor Sergeant Mark 13 Moore worked there. 14 Q. Okay. 15 A. Billy Patterson, William Patterson and 16 Anthony Ceja. 17 Q. Do you know how to spell Ceja? 18 A. Yes, I do. C-E-J-A. 19 Q. Thank you. 20 A. You're welcome. I don't recall. 21 Q. Okay. 22 A. I'm missing people. 23 Q. Okay. Before we move on, do you know 24 approximately how long you were in the 2nd</p>
<p style="text-align: right;">Page 10</p> <p>1 assigned, to the extent you can remember, your 2 supervisors. Actually, just go up until the 3 point that you were detailed to Detached 4 Services. We don't need to get into that now. 5 A. Okay. 6 Q. But starting when you joined the force, 7 as best as you can recall, can you kind of trace 8 your history? 9 A. Yes. After completing the academy, I 10 was assigned to the 5th District. I remember 11 supervisor -- the sergeant was Elizabeth Glatz. 12 When you are put on the watch, your supervisors 13 rotate, and so you don't have a specific 14 supervisor that you report to every day. And I 15 don't recall who they were. It was a long time 16 ago. 17 Q. Sure. 18 A. And you are a PPO, probationary police 19 officer, so you work with different people all 20 the time for training purposes. I was not in 21 the 5th District very long. I don't recall how 22 long it was. From there, I was assigned to the 23 2nd District at 51st and Wentworth. And from 24 the 2nd District, I went to work in Public</p>	<p style="text-align: right;">Page 12</p> <p>1 District before you went to the Public Housing? 2 A. It had to be roughly a year and a half 3 to two years. 4 Q. Okay. 5 A. Roughly. I'm guessing. I don't 6 recall. 7 Q. Sure. And how long were you in Public 8 Housing South? 9 A. Until they disbanded, which was 10 November of I think 2005. I don't recall the 11 year to be exactly. 12 Q. Okay. 13 A. But the unit disbanded. 14 Q. Okay. 15 A. Then I went to work on the gang team in 16 the 1st District, tactical/gang team in the 17 1st District. 18 Q. Okay. 19 A. I was not there very long, and then I 20 went to Organized Crime Narcotic Division. And 21 from there, assigned to 543. 22 Q. Okay. Do you remember when you started 23 in Organized Crime Division? 24 A. It was approximately May of -- it was</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
13-16

<p style="text-align: right;">Page 13</p> <p>1 when the fentanyl operation was going on, and it  2 was in approximately May of 2006 or '07.  3 Q. Okay.  4 A. And then we were -- my partner,  5 Danny Echeverria, and I were borrowed for the  6 fentanyl mission in May of two thousand -- or  7 whatever the year --  8 Q. Sure.  9 A. And we were the intelligence behind the  10 fentanyl mission. So we were borrowed, we were  11 not assigned to that unit. The mission for  12 Operation Fallout, the fentanyl mission, was  13 completed in October and then we were  14 requested -- we were assigned there.  15 Q. Okay. So when you worked on Operation  16 Fallout, you had essentially been borrowed by  17 the Organized Crime unit --  18 A. Correct.  19 Q. -- you weren't officially detailed  20 there yet?  21 A. No. And we worked for Sergeant  22 DiCristofano, Anthony DiCristofano and then we  23 went to 543.  24 Q. You mentioned Officer Echeverria being</p>	<p style="text-align: right;">Page 15</p> <p>1 you were separated just for training purposes?  2 A. That's what we were told.  3 Q. Okay. Do you recall about how long you  4 were separated?  5 A. Up until the time -- I'm not sure of  6 exactly when it was. It was maybe February  7 of 2008 I was an undercover officer who was a  8 victim of a battery and a robbery.  9 And after that incident, I received a  10 phone call from Chief Limon who stated, have you  11 been placed back with your partner yet. And I  12 specifically remember stating, if I had been  13 working with my partner, this incident would not  14 have occurred. And he said, well, I'm going to  15 get you back with your partner immediately.  16 Q. Okay.  17 A. And then he put us both on the same  18 team.  19 Q. Okay.  20 A. That was Chief Limon's decision, and he  21 contacted me.  22 Q. Okay. What were the circumstances of  23 the battery and the robbery or do you know who  24 committed it?</p>
<p style="text-align: right;">Page 14</p> <p>1 your partner. When did the two of you become  2 partners?  3 A. We had -- when I went to the  4 1st District, we became partners at that time.  5 But we had crossed paths and worked together  6 within the Public Housing sector prior to that.  7 Q. Okay. And since you and Officer  8 Echeverria first became partners, have you been  9 partners consistently ever since then?  10 A. Except for a period of time in  11 Organized Crime, yes.  12 Q. Do you recall what period of time or  13 why you weren't partners?  14 A. When you first come to Organized Crime,  15 the Narcotic Division, it was explained to us  16 that since I had been from the South Side my  17 entire time, I couldn't go as an undercover  18 officer buying on the South Side where I would  19 be recognized. So I needed to go somewhere  20 different, on the West Side or the North Side.  21 And Officer Echeverria needed to go in a  22 different area and for training purposes for  23 that, they -- that is my understanding of it.  24 Q. So you were -- is it your understanding</p>	<p style="text-align: right;">Page 16</p> <p>1 A. At this time, absolutely not. I don't  2 know their names.  3 Q. Sure.  4 A. No, I did not know them.  5 Q. Okay.  6 A. The incident was that we were going to  7 a particular location on the West Side to  8 purchase a controlled narcotics purchase. The  9 regular sergeant, I'm not even sure at the time  10 who it was, I believe it was Kevin Johnson  11 maybe, wasn't there. I know that a Sergeant Ty  12 Bates I was working for on that particular day.  13 And when he gave the location, I specifically  14 told him prior to going out that I cannot  15 purchase narcotics there because my last  16 controlled buy, I was called out as an  17 undercover officer and it would jeopardize my  18 safety.  19 Q. Okay.  20 A. He said, okay, that's fine. I set up  21 as surveillance. And then he came over the  22 radio and said, you are going to go through and  23 make this purchase.  24 Q. Okay.</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
17-20

<p style="text-align: right;">Page 17</p> <p>1 A. Which I explained I was extremely 2 uncomfortable with the situation, because I'm 3 going back to a spot I had already been 4 identified at. 5 Q. Sure. 6 A. But he gave me a direct order to go 7 through and buy, so I did. At which point I was 8 immediately identified and was pulled out of the 9 car and they tried to take the car and I began 10 fighting. My surveillance, I should have had 11 two surveillance officers, one was a 12 Robin McGhee, who was supposed to be directly 13 behind me, and another one was Officer Masud, 14 Saud. Saud was his first name, S-A-U-D. 15 Q. That's fine. 16 A. He was my main eyeball and was calling 17 out the actions, so he should have been the 18 first to respond; however, that did not occur. 19 What happen was the enforcement vehicle 20 was the first one on the scene. And enforcement 21 is usually parked multiple blocks away and 22 they're the farthest distance away. So it is 23 very questionable as to where was my backup and 24 where was my surveillance. They were not the</p>	<p style="text-align: right;">Page 19</p> <p>1 A. It's a long time to remember the exact 2 dates. I don't have the documents to review. 3 Q. Okay. 4 (Whereupon, Spalding Deposition 5 Exhibit No. 1 was marked for 6 identification.) 7 BY MR. KING: 8 Q. Ms. Spalding, I'm showing you what's 9 been marked Spalding Deposition Exhibit No. 1, 10 which is a copy of your Amended Complaint in the 11 lawsuit. 12 Can you tell me if you've seen this 13 document before? 14 A. Yes, I believe I have seen this 15 document. 16 Q. Okay. And if I could direct your 17 attention to Paragraph 20 of the Complaint, 18 which is on Page 4. And Paragraph 20 begins, in 19 2007 while working an undercover narcotics 20 investigation, Plaintiffs uncovered evidence of 21 illegal activity being committed by various 22 Chicago Police Officers. 23 A. I'm missing a page. 24 MR. SMITH: Here, we can switch. Oh,</p>
<p style="text-align: right;">Page 18</p> <p>1 first on the scene. 2 Q. Okay. 3 A. Okay. And so it felt like forever that 4 I was fighting this. But Officer Joseph Mirus 5 and Officer Abner Rodriguez were the enforcement 6 car, and they began to pursue the offenders on 7 foot and in vehicle, at which point, you know, 8 multiple offenders, I believe four or five were 9 apprehended. 10 Q. Okay. 11 A. And what happened next was that -- 12 Q. I'm going to cut you off now. I 13 think -- 14 A. Okay. 15 Q. -- you've answered my question. 16 A. Okay. 17 Q. You indicated that that incident where 18 you were subject to the battery and the robbery 19 you thought was February, 2008. Are you pretty 20 sure it was that month or approximately? 21 A. Approximately. 22 Q. Okay. 23 A. I'm just trying to -- 24 Q. Sure.</p>	<p style="text-align: right;">Page 20</p> <p>1 wait, no. 2 THE WITNESS: You're missing it, too. 3 Because it only goes to Chicago Police Officers 4 and then it goes to 21. He's reading 5 Paragraph 20. 6 MR. SMITH: Right. 7 THE WITNESS: There's only two 8 sentences, and then it goes to 21. 9 MR. SMITH: That's fine. 10 THE WITNESS: Am I confused? I'm 11 sorry. 12 BY MR. KING: 13 Q. That's correct. That's okay. 14 Paragraph 20 is just one sentence. 15 A. I'm sorry. 16 Q. Okay. And, again, it indicates that, 17 in 2007 while working an undercover narcotics 18 investigation, Plaintiffs uncovered evidence of 19 illegal activity being committed by various 20 Chicago Police Officers. And then the next 21 Paragraph it says, one of those officers was 22 Sergeant Ronald Watts. Do you see that? 23 A. Yes, I do. 24 Q. Okay. Prior to 2007, as alleged in</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
21-24

<p style="text-align: right;">Page 21</p> <p>1 Paragraph 20, you had been asked at some point 2 if you had any knowledge of any illegal activity 3 by Sergeant Watts, correct? 4 A. Correct. 5 Q. And when were you first approached 6 about illegal activity involving Sergeant Watts? 7 A. It was while I was assigned to Public 8 Housing South. I was -- 9 Q. So approximately what year? 10 A. It had to be at least ten years prior. 11 Q. Okay. 12 A. About ten years, at least, you know. 13 Q. Okay. 14 A. Maybe it was 9, maybe it was 11. 15 Q. Sure. And did someone discuss 16 Sergeant Watts with you at that time? 17 A. Yes. 18 Q. Who was -- who discussed Sergeant Watts 19 with you? 20 A. FBI Special Agent Ken Samuels. 21 Q. And what did Mr. Samuels say to you? 22 A. He originally contacted me -- let me 23 rephrase that. He contacted me and first asked 24 me about several -- he asked me about multiple</p>	<p style="text-align: right;">Page 23</p> <p>1 between the officer that went to him and 2 Ken Samuels. 3 Q. Okay. Was Sergeant Watts working in 4 the same Public Housing South unit at the time? 5 A. As me? 6 Q. As you. 7 A. Correct. 8 Q. Yes, okay. Who was the other officer 9 who had complained about -- or gone to the FBI? 10 A. Michael Spaargaren, 11 S-P-A-A-R-G-A-R-E-N. 12 Q. And do you know if it was Ken Samuels 13 that Mr. Spaargaren -- 14 A. I do. 15 Q. It was? 16 A. Yes, sir. 17 Q. And you know that based on what 18 Mr. Spaargaren told you? 19 A. Spaargaren, yes. 20 Q. Spaargaren. Sorry. 21 But you weren't present for the 22 conversation between Mr. Spaargaren and 23 Mr. Samuels? 24 A. I had no knowledge of him going to the</p>
<p style="text-align: right;">Page 22</p> <p>1 people, which included Sergeant Watts. He asked 2 me if I had any knowledge to the best of my 3 recollection. 4 Q. Sure. 5 A. The scope of the conversation was my 6 direct firsthand knowledge of any illegal 7 activity that I may have seen or witnessed from 8 these multiple officers, including Sergeant 9 Watts. 10 Q. And was this an in-person meeting with 11 Mr. Samuels or telephone? 12 A. No, it was not. It was telephone. 13 Q. Okay. Do you have any knowledge of how 14 or why Mr. Samuels came to reach out to you 15 about this subject? 16 A. Yes, I do. 17 Q. And why did he reach out to you? 18 A. It was because another officer that I 19 worked with in Public Housing had gone to the 20 FBI regarding the corruption within the Public 21 Housing South units and on multiple officers. 22 Q. Okay. Was Sergeant Watts one of those 23 officers? 24 A. I can't be sure of the conversation</p>	<p style="text-align: right;">Page 24</p> <p>1 FBI until after the fact. 2 Q. Okay. And do you know what 3 Mr. Spaargaren's conversation with Mr. Samuels 4 or anyone else at the FBI before you talked to 5 Mr. Samuels had to do with Ronald Watts? 6 A. I don't know that. 7 Q. Okay. It may have, it may not have? 8 A. I don't know. I wasn't present for 9 their conversations. 10 Q. Okay. So going back to your telephone 11 call with Ken Samuels approximately between 9 or 12 11 years approximately before 2007, tell me 13 again to the best of your recollection what 14 was said by Mr. Samuels and what was said by 15 you. 16 A. Well, he just basically asked me if I 17 had witnessed any illegal activity from 18 several -- he asked me about several different 19 people. 20 Q. Sure. 21 A. At which point I told him that I had 22 not witnessed anything and I was not aware of 23 anything. Because at the time, I had absolutely 24 no knowledge of that.</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
25-28

<p style="text-align: right;">Page 25</p> <p>1 Q. Okay. So you didn't tell him that you 2 were aware of any -- 3 A. I didn't -- 4 Q. -- illegal activity by Ron Watts? 5 A. No. 6 Q. Okay. 7 A. I did not know that there was illegal 8 activity happening. 9 Q. Okay. But he asked you about several 10 people including Watts, correct? 11 A. I believe so, yes. 12 Q. Okay. 13 A. I don't know if it was during one 14 conversation or another conversation. At some 15 point in time, I was asked. 16 Q. Right. And given that you were 17 contacted by the FBI and asked if you were aware 18 of any illegal activity by officers including 19 Watts, it would be fair to say that you knew at 20 that point that the FBI was investigating Watts, 21 correct? 22 A. Well, I assumed that there would be 23 some type -- I knew that there were allegations 24 that had been made against multiple people.</p>	<p style="text-align: right;">Page 27</p> <p>1 conversation with Ken Samuels on that subject? 2 A. I did. 3 Q. Okay. 4 A. So I don't know if it was the first 5 conversation or at some point later on. 6 Q. Sure. 7 A. I can't tell you at what point Ronald 8 Watts came up, but at some point, he did come 9 up. 10 Q. Okay. Do you recall approximately how 11 many conversations you had with Ken Samuels? 12 A. I don't. 13 Q. Did it ever get to a point where you 14 reported to Ken Samuels yes, I do have 15 information about illegal activity by Officer 16 Watts or anyone else? 17 A. No. 18 Q. Okay. So between your last 19 conversation -- well, let's strike that. 20 And I'm going to butcher his name 21 again. Michael -- 22 A. Spaargaren. 23 Q. -- Spaargaren, okay. 24 Do you know if Mr. Spaargaren is still</p>
<p style="text-align: right;">Page 26</p> <p>1 Now, as I said before, the main person -- that I 2 don't believe Ron Watts was the main person I 3 was asked about initially. 4 Q. Okay. 5 A. There was another officer that I recall 6 specifically. 7 Q. Who was that officer? 8 A. His name was Joe Seinitz, 9 S-E-I-N-I-T-Z. And at the time, I just believed 10 by what these officers were bringing in, that 11 they were just really good officers, including 12 Ronald Watts. 13 Q. Okay. But my question is, would it be 14 fair to say that because you were contacted by 15 the FBI -- 16 A. I'm sorry. 17 Q. -- to ask you questions about certain 18 officers and their illegal activity, including 19 Ron Watts, you understood that the FBI was 20 investigating those officers, including Watts at 21 the time, correct? 22 A. That they were looking into 23 allegations, is what I thought. 24 Q. Okay. And did you have more than one</p>	<p style="text-align: right;">Page 28</p> <p>1 with the police department? 2 A. Yes, he is. 3 Q. Do you know what his current position 4 is? 5 A. I know that he just transferred from 6 the 9th District to a North Side district. I 7 can't be sure. 8 Q. Sure. Do you know what his rank is? 9 A. PO, police officer. 10 Q. Okay. Going back to Paragraph 20 of 11 the Amended Complaint. You indicate that you 12 and your partner uncovered evidence of illegal 13 activity being committed by various Chicago 14 Police Officers. Can you tell me what you 15 uncovered? 16 A. When you are in Narcotics, there is an 17 intelligence debriefing that goes on by the 18 enforcement officers, which was the position of 19 my partner, Danny Echeverria. 20 At the time, you interview the person 21 who sold the narcotics to the undercover officer 22 to gather further intelligence to go up the 23 chain for conspiracy. During his assignment on 24 the South Side, he was unfamiliar with Ronald</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
29-32

<p style="text-align: right;">Page 29</p> <p>1 Watts and not working with him or these 2 individuals before. 3 Q. Sure. 4 A. During debriefings, these detained 5 individuals, the arrestees, began to always talk 6 about being under arrest but yet you don't 7 prosecute your own, Sergeant Watts. You know, 8 he's out there running a dope line. And they 9 made multiple, multiple allegations. 10 At first it was inconsistent and vague 11 and unbelievable because they couldn't give any 12 hard facts or anything. 13 Q. Sure. 14 A. And a lot of times people will say 15 anything to try to get out of an arrest. There 16 came a point, though, that Danny had -- Officer 17 Echeverria had interviewed a subject that was 18 able to give enough information that he could 19 further investigate and it concerned him that 20 there may be some truth to these allegations 21 that continuously surfaced on the same sworn 22 personnel. It never deviated from the 23 personnel. 24 Q. Sure.</p>	<p style="text-align: right;">Page 31</p> <p>1 individuals that were identified -- 2 Q. Sure. 3 A. -- that I had firsthand knowledge of. 4 Q. Okay. So in Paragraph 20 where it 5 indicates that Plaintiffs uncovered evidence of 6 illegal activity, is it actually more accurate 7 to say that Plaintiff Echeverria uncovered 8 that -- 9 A. Yes. 10 Q. -- and then informed you about it? 11 A. That is correct. 12 Q. Okay. Now, these intelligence 13 briefings where you indicate Officer Echeverria 14 would have learned of the allegations of illegal 15 activity, do you know who attends those 16 intelligence briefings? 17 A. Usually it would be the enforcement 18 officers. And it could be one, two, three, I 19 mean, how many subjects are in the room. 20 Q. Okay. And would sergeants be part of 21 those meetings? 22 A. It was my understanding not usually, 23 unless they would be requested for some reason. 24 Q. Okay. And how about lieutenants?</p>
<p style="text-align: right;">Page 30</p> <p>1 A. It was consistently the same ones. 2 Q. Do you recall, in addition to Watts, 3 what other personnel these arrestees were giving 4 information on that suggested that they were 5 engaging in illegal activity? 6 A. Yes, I do. 7 Q. Who would that be? 8 A. Most of the time they would say his 9 crew, which was referring to his tact team. 10 I -- you would have to ask Officer Echeverria 11 exactly who they did name. 12 Q. Okay. But your understanding, they 13 named at least Watts and his tact team, was your 14 impression? 15 A. During -- yes. 16 Q. Okay. 17 A. During his interrogations -- I was 18 not -- I shouldn't say interrogations. 19 Interviews. I'm sorry. Let me stand corrected. 20 As being an undercover, I would never be in the 21 room with that -- for the conversation. 22 Q. Okay. 23 A. And I don't recall specifically during 24 that. But I know later on down the line,</p>	<p style="text-align: right;">Page 32</p> <p>1 A. I don't believe I've ever known a 2 lieutenant to be in there. 3 Q. Okay. Have you, yourself ever been in 4 a position where you participate in these 5 intelligence briefings that you testified to? 6 A. While working in Narcotics -- 7 Q. Correct. 8 A. -- as an undercover? Not while I was 9 working in an undercover. 10 Q. Okay. So to the best of your 11 knowledge, Officer Echeverria was not the only 12 one in these intelligence briefings who was 13 receiving knowledge about the illegal activity 14 of Watts and others; is that correct? 15 A. That's absolutely correct. I do know 16 of two other officers that were present -- 17 Q. What -- 18 A. -- at some point. 19 Q. Who else was present? 20 A. Trevor Stotts, S-T-O-T-T-S and 21 Ken Herrera. 22 Q. And Trevor Stotts, do you know what his 23 position was at the time? 24 A. He was an officer in Narcotics.</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014

33-36

<p style="text-align: right;">Page 33</p> <p>1 Q. And the same for Ken Herrera?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. Did you ever have any, you</p> <p>4 personally have any conversations with</p> <p>5 Mr. Stotts or Mr. Herrera about this alleged</p> <p>6 illegal activity?</p> <p>7 A. No, I did not.</p> <p>8 Q. Okay. Other than your partner,</p> <p>9 Officer Echeverria, did you ever have any</p> <p>10 discussions prior to going to the FBI with</p> <p>11 anyone within the Chicago Police Department</p> <p>12 about alleged illegal activity by Watts and</p> <p>13 others?</p> <p>14 A. I'm sorry, could you -- I'm not</p> <p>15 understanding.</p> <p>16 Q. Sure. You allege in your Complaint</p> <p>17 later on, and we'll get to this, that in roughly</p> <p>18 August of 2008, you -- well, let's strike that.</p> <p>19 Let's strike that.</p> <p>20 When you learned of the alleged illegal</p> <p>21 activity from your partner, Officer Echeverria,</p> <p>22 did you personally have any conversations with</p> <p>23 anyone else within Chicago Police Department</p> <p>24 about the alleged illegal activity?</p>	<p style="text-align: right;">Page 35</p> <p>1 with Sergeant Roderick Watson about alleged</p> <p>2 illegal activity by Watts or others?</p> <p>3 A. No. I wasn't even on duty the day that</p> <p>4 that occurred.</p> <p>5 Q. Okay. And am I correct that at some</p> <p>6 point after Officer Echeverria contacted</p> <p>7 Roderick Watson, you or Officer Echeverria</p> <p>8 contacted the FBI about this subject?</p> <p>9 A. Yes. The day that Officer Echeverria</p> <p>10 reported this to Roderick Watson, it is Officer</p> <p>11 Echeverria's responsibility to complete the</p> <p>12 intelligence report, the debriefing and he has</p> <p>13 to sign off on that information. So he directly</p> <p>14 asked the sergeant, how do you want me to handle</p> <p>15 this, how do you want me to document this, what</p> <p>16 do I need to do. Because he had not come across</p> <p>17 these circumstances prior.</p> <p>18 And he was given a direct order by</p> <p>19 Sergeant Watson to disregard all that</p> <p>20 information and make the report a negative,</p> <p>21 meaning no intelligence was gathered.</p> <p>22 Q. And what you just testified to about</p> <p>23 this alleged direct order, the basis for your</p> <p>24 information on that is what Officer Echeverria</p>
<p style="text-align: right;">Page 34</p> <p>1 A. No, I did not because I was not present</p> <p>2 for the information. But I did instruct Danny</p> <p>3 to go to his -- go to the supervisor on the</p> <p>4 scene and inform them of this immediately so</p> <p>5 that they could take the appropriate action</p> <p>6 necessary and make a determination how they</p> <p>7 wanted to proceed with this.</p> <p>8 Q. Okay. And to your knowledge, did</p> <p>9 Officer Echeverria do that?</p> <p>10 A. Yes, he did.</p> <p>11 Q. Okay. Do you know who that person he</p> <p>12 went to was?</p> <p>13 A. I do.</p> <p>14 Q. Who was that?</p> <p>15 A. Sergeant Roderick Watson.</p> <p>16 Q. And do you recall -- what was it, the</p> <p>17 first time that Officer Echeverria told you</p> <p>18 about this alleged illegal activity that you</p> <p>19 recommended that he go to the supervising</p> <p>20 officer or was it some point down the line?</p> <p>21 A. It was the first time that he received</p> <p>22 credible information, that it was reported</p> <p>23 immediately.</p> <p>24 Q. Okay. Did you, yourself ever speak</p>	<p style="text-align: right;">Page 36</p> <p>1 told you, correct?</p> <p>2 A. That is correct, because he contacted</p> <p>3 me again --</p> <p>4 Q. Okay.</p> <p>5 A. -- informing me of that.</p> <p>6 Q. Okay. And after that contact that you</p> <p>7 were just speaking of, did you or Officer</p> <p>8 Echeverria contact the FBI at any point?</p> <p>9 A. Well, after that. Because at first, I</p> <p>10 thought that maybe the reasoning for the</p> <p>11 negative debriefing was that maybe Sergeant</p> <p>12 Watson was going to initiate a confidential</p> <p>13 investigation or something. You know, he's a</p> <p>14 supervisor, I was pretty confident that he was</p> <p>15 going to handle it according to department rules</p> <p>16 and regulations.</p> <p>17 But through the, you know, chain of</p> <p>18 events that followed and, you know, the</p> <p>19 information kept flowing in, it became evident</p> <p>20 that the department was not -- I didn't -- I did</p> <p>21 not have the confidence that an investigation, a</p> <p>22 fair investigation would happen within the</p> <p>23 department --</p> <p>24 Q. Okay.</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
37-40

<p style="text-align: right;">Page 37</p> <p>1 A. -- looking into the allegations.</p> <p>2 Q. Okay. I just move to strike as not</p> <p>3 being responsive to my question, which was</p> <p>4 simply at some point did you contact the FBI</p> <p>5 about --</p> <p>6 A. Yes.</p> <p>7 Q. -- the alleged illegal activity of</p> <p>8 Watts and others.</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And if we look at Paragraph 23</p> <p>11 of your Complaint, your Amended Complaint, it</p> <p>12 indicates that in 2007, Plaintiffs reported to</p> <p>13 FBI Special Agent PS the illegal activity by</p> <p>14 Sergeant Watts and others who worked with him.</p> <p>15 The PS is Patrick Smith, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And in terms of this reporting</p> <p>18 to Patrick Smith initially, did you make that</p> <p>19 report or did Officer Echeverria make that</p> <p>20 report?</p> <p>21 A. I did.</p> <p>22 Q. Okay.</p> <p>23 A. I contacted Agent -- Special Agent</p> <p>24 Patrick Smith initially and informed him that I</p>	<p style="text-align: right;">Page 39</p> <p>1 could contact him.</p> <p>2 Q. Sure.</p> <p>3 A. Because I knew that at some point so</p> <p>4 long ago, there was an investigation into it;</p> <p>5 however, I did not know if it was closed, if it</p> <p>6 was still open and active, if it was closed with</p> <p>7 negative results.</p> <p>8 Q. And Mr. Smith told you that he was well</p> <p>9 aware of the Watts investigation?</p> <p>10 A. Correct. And --</p> <p>11 Q. And in this initial phone conversation,</p> <p>12 do you recall Mr. Smith saying anything else?</p> <p>13 A. I know we had spoke, I don't know if it</p> <p>14 was the same day or again. But we -- at one</p> <p>15 point he did say, when you said you had some</p> <p>16 information, I never thought it would be as big</p> <p>17 as the Watts case. And --</p> <p>18 Q. Okay. Let's just talk about that first</p> <p>19 conversation. And you just said, you're not</p> <p>20 sure if that was in the first conversation.</p> <p>21 You testified that in the first</p> <p>22 conversation he did indicate that he was well</p> <p>23 aware of the Watts investigation. Do you recall</p> <p>24 him saying anything else in that first</p>
<p style="text-align: right;">Page 38</p> <p>1 had information on what I believed was at one</p> <p>2 time an investigation by Special Agent Ken</p> <p>3 Samuels into corrupt activity by Sergeant Ronald</p> <p>4 Watts, and if he could put me in contact with</p> <p>5 Ken Samuels again.</p> <p>6 Q. How did you -- was it random that you</p> <p>7 contacted Patrick Smith or was there a reason</p> <p>8 that you went to him?</p> <p>9 A. Because I had worked with Patrick Smith</p> <p>10 prior to that.</p> <p>11 Q. Okay.</p> <p>12 A. So I just happened to have his number.</p> <p>13 Q. Sure.</p> <p>14 A. And so I contacted him asking him if he</p> <p>15 personally could give me Ken Samuels' number --</p> <p>16 Q. Sure.</p> <p>17 A. -- or if he knew him. And he said that</p> <p>18 he was well aware of the Watts investigation and</p> <p>19 had been involved on a certain level with Ken</p> <p>20 Samuels on it.</p> <p>21 Q. Okay. Now, this initial contact, you</p> <p>22 had a phone conversation with Mr. Smith?</p> <p>23 A. Yes, I did. I called him and was</p> <p>24 requesting to meet with Ken Samuels or how I</p>	<p style="text-align: right;">Page 40</p> <p>1 conversation?</p> <p>2 A. I recall him saying that he knew</p> <p>3 Ken Samuels and knew that Ken Samuels had that</p> <p>4 investigation.</p> <p>5 Q. Okay. Did he say, I'll get you to</p> <p>6 Ken Samuels or you can deal with me on this?</p> <p>7 A. He said he was going to talk to</p> <p>8 Ken Samuels.</p> <p>9 Q. Okay. Was it your understanding that</p> <p>10 Ken Samuels was still in the FBI at that point?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And other than what you've</p> <p>13 already testified to, do you recall anything</p> <p>14 else that you said or that Patrick Smith said in</p> <p>15 that first conversation?</p> <p>16 A. I know that we were going to provide</p> <p>17 the information. I don't know if that was the</p> <p>18 first conversation or the next conversation</p> <p>19 or -- but I know that he was going to have a</p> <p>20 conversation with Ken Samuels.</p> <p>21 I can't be sure if it was the exact</p> <p>22 conversation of -- at some point I was asked.</p> <p>23 Like how I knew Ken Samuels had it and I had</p> <p>24 said I had spoken to him so many years prior --</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
41-44

<p style="text-align: right;">Page 41</p> <p>1 Q. Sure.</p> <p>2 A. -- and I didn't even know if it was an</p> <p>3 active case or what had happened.</p> <p>4 Q. Sure.</p> <p>5 A. But I can't be 100 percent that that</p> <p>6 was the very initial conversation.</p> <p>7 Q. Sure, sure.</p> <p>8 A. It was just that we were going to come</p> <p>9 in at some point and provide the information.</p> <p>10 Q. Okay. And at some point, did you go</p> <p>11 in --</p> <p>12 A. Yes.</p> <p>13 Q. -- and meet with Patrick Smith?</p> <p>14 A. I'm sorry. Yes, we did.</p> <p>15 Q. Was Ken Samuels part of that meeting,</p> <p>16 also?</p> <p>17 A. No, not in the first meeting. He was</p> <p>18 not.</p> <p>19 Q. Okay. And between the first</p> <p>20 conversation you had with Patrick Smith and the</p> <p>21 time you went in to meet, do you recall if you</p> <p>22 had any other conversations with Patrick Smith</p> <p>23 or was there the one phone call and then you had</p> <p>24 a meeting?</p>	<p style="text-align: right;">Page 43</p> <p>1 Q. I know it's been a long time.</p> <p>2 A. It has been.</p> <p>3 Q. What's your best recollection of</p> <p>4 what --</p> <p>5 A. I know that they introduced themselves.</p> <p>6 We went into a small conference room in the FBI</p> <p>7 building, at which point we presented the facts</p> <p>8 that we had, the information that we had to them</p> <p>9 so that an outside investigation -- an</p> <p>10 investigation by an outside agency could be</p> <p>11 conducted. We would provide the information and</p> <p>12 that would be it.</p> <p>13 Q. Okay. Well, what do you recall the</p> <p>14 facts and the information being that you related</p> <p>15 to them in this meeting?</p> <p>16 A. Just what I told you earlier, that</p> <p>17 continuously the same names continuously popped</p> <p>18 up by people from different areas, whether it</p> <p>19 was Englewood or Idabeballs (phonetic) or the</p> <p>20 South Side, all consistently naming Ronald Watts</p> <p>21 and members of his team committing the same</p> <p>22 crimes of robbing the drug dealers, false</p> <p>23 arrests, stealing the money, extortion.</p> <p>24 Q. Sure.</p>
<p style="text-align: right;">Page 42</p> <p>1 A. I don't recall.</p> <p>2 Q. Okay. And at the time that you --</p> <p>3 strike that.</p> <p>4 So at some point you and Officer</p> <p>5 Echeverria, I assume, have a meeting with</p> <p>6 Patrick Smith?</p> <p>7 A. Correct.</p> <p>8 Q. And was anyone else present for that</p> <p>9 initial meeting?</p> <p>10 A. Yes.</p> <p>11 Q. Who else was present?</p> <p>12 A. Special Agent Julie Anderson.</p> <p>13 Q. And Ms. Anderson was with the FBI?</p> <p>14 A. Correct.</p> <p>15 Q. Anyone else?</p> <p>16 A. No.</p> <p>17 Q. Okay. So it was Patrick Smith, you and</p> <p>18 Officer Echeverria and Special Agent Julie</p> <p>19 Anderson?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. What's your best recollection</p> <p>22 chronologically if you can who said what in the</p> <p>23 course of that meeting?</p> <p>24 A. Oh, gosh.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Just a whole laundry list.</p> <p>2 Q. Okay.</p> <p>3 A. And we provided that information. They</p> <p>4 asked some questions and --</p> <p>5 Q. Do you recall what questions they</p> <p>6 asked?</p> <p>7 A. Well, you know, our names, where we</p> <p>8 worked, where we were assigned, how Danny came</p> <p>9 across the information, asked me previously how</p> <p>10 I knew about -- how I previously knew Ken</p> <p>11 Samuels --</p> <p>12 Q. Sure.</p> <p>13 A. -- had the case. And I told him that I</p> <p>14 had spoke with him so long ago.</p> <p>15 Q. Sure.</p> <p>16 A. And they were just vague, you know,</p> <p>17 conversations. You know, the FBI doesn't give</p> <p>18 you a lot of information when they call you.</p> <p>19 They want information.</p> <p>20 Q. Sure.</p> <p>21 A. And I know we concluded the meeting</p> <p>22 with he was going to pass this information along</p> <p>23 to Ken Samuels and they may be working on the</p> <p>24 investigation with him.</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
45-48

<p style="text-align: right;">Page 45</p> <p>1 Q. Okay.</p> <p>2 A. And we left the building knowing that</p> <p>3 we had provided the information and --</p> <p>4 Q. Sure.</p> <p>5 A. -- we thought we were out of it.</p> <p>6 Q. Okay.</p> <p>7 A. Because with Ken Samuels, I never heard</p> <p>8 back from him again so.</p> <p>9 Q. Okay. So you never heard from Ken</p> <p>10 Samuels on the investigation?</p> <p>11 A. After he talked to me about it?</p> <p>12 Q. Right.</p> <p>13 A. No, I never did.</p> <p>14 Q. Okay.</p> <p>15 A. And so --</p> <p>16 Q. You've answered my question.</p> <p>17 A. Thank you.</p> <p>18 Q. Okay. But you did have further contact</p> <p>19 with Patrick Smith about the Watts matter?</p> <p>20 A. After that meeting?</p> <p>21 Q. After the initial meeting.</p> <p>22 A. Correct.</p> <p>23 Q. Okay. And did you have any more</p> <p>24 in-person meetings with Patrick Smith or just</p>	<p style="text-align: right;">Page 47</p> <p>1 A. Yes.</p> <p>2 Q. Do you recall how many telephone calls</p> <p>3 you may have had?</p> <p>4 A. I can tell you initially they were</p> <p>5 sporadic and then as time passed, it became more</p> <p>6 frequent.</p> <p>7 Q. Okay.</p> <p>8 A. And more demanding on our part to the</p> <p>9 point that I was a little uncomfortable with</p> <p>10 it.</p> <p>11 Q. You mean it was more demanding in the</p> <p>12 sense that it was encroaching on your work time</p> <p>13 as a Chicago Police Officer?</p> <p>14 A. No. He was requesting us to come in</p> <p>15 during hours that we couldn't or anything like</p> <p>16 that. So we told him, we cannot meet with you</p> <p>17 or talk to you. At one point he called me and</p> <p>18 wanted to know if I could meet him, you know, at</p> <p>19 a certain time and I said, I can't, I'm working</p> <p>20 and -- tomorrow. And he said, well, can't you</p> <p>21 break away. And I said, you know, it doesn't</p> <p>22 work that way. We can't do that.</p> <p>23 Q. Okay.</p> <p>24 A. And that's the point where I became</p>
<p style="text-align: right;">Page 46</p> <p>1 telephone calls?</p> <p>2 A. I believe we did meet in person.</p> <p>3 Again, always when we were off duty, on our own</p> <p>4 time.</p> <p>5 Q. Okay. And how many times do you think</p> <p>6 you met in person with him after that initial</p> <p>7 meeting?</p> <p>8 A. Are you talking through the whole</p> <p>9 investigation?</p> <p>10 Q. Yes.</p> <p>11 A. Well, we went to work directly with</p> <p>12 him, so it would be -- we would see him every --</p> <p>13 I mean, I can't even begin to guess.</p> <p>14 Q. Okay, that's fine.</p> <p>15 Well, let's say prior to August</p> <p>16 of 2008, how many in-person meetings do you</p> <p>17 think you had with Patrick Smith after the first</p> <p>18 one, if any?</p> <p>19 A. I can just tell you multiple, but I</p> <p>20 can't be sure how many.</p> <p>21 Q. Okay. And did you also have any</p> <p>22 telephone calls during that -- with him during</p> <p>23 that period after the first meeting and prior to</p> <p>24 August of 2008?</p>	<p style="text-align: right;">Page 48</p> <p>1 uncomfortable. Because if you're going to call</p> <p>2 me on my day off and ask me if I know if Watts</p> <p>3 is on vacation or not or something, I can say</p> <p>4 yes or no; but to meet with you, no. I -- no.</p> <p>5 Q. Do you recall when -- that conversation</p> <p>6 where he wanted you to meet with him during work</p> <p>7 hours, do you recall when that was?</p> <p>8 A. I recall that it made me so</p> <p>9 uncomfortable that Danny and I decided that we</p> <p>10 needed to go contact the chief of our own IAD.</p> <p>11 And it was -- so it was shortly before we met</p> <p>12 with Chief Tina Skahill of IAD in August</p> <p>13 of 2008.</p> <p>14 Q. And before that meeting with Tina</p> <p>15 Skahill, which we'll talk about in August</p> <p>16 of 2008, is it your testimony that you never met</p> <p>17 with Patrick Smith or talked to Patrick Smith on</p> <p>18 the phone or otherwise provided any information</p> <p>19 to the FBI during your work hours?</p> <p>20 A. I may have taken a phone call and said</p> <p>21 I'll have to call you back or something like</p> <p>22 that. Everybody answers, you know, their phone.</p> <p>23 Q. Okay.</p> <p>24 A. But no. We would always meet with</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
49-52

<p style="text-align: right;">Page 49</p> <p>1 Patrick Smith or provide information or 2 something like that on our own time. 3 Q. Okay. If you take a look at 4 Paragraph 26 of the Amended Complaint. This 5 August, 2008 meeting, is that the meeting you 6 just testified to where Tina Skahill was 7 present? 8 A. Correct. 9 Q. Okay. Who else was present at that 10 meeting? 11 A. Unbeknownst to us -- Officer Echeverria 12 and I had a scheduled meeting. Unbeknownst to 13 us when we walk in, Special Agent Patrick Smith 14 was there along with Sergeant Tom Chester and 15 commanding officer of IAD at the time Barbara 16 West. 17 Q. Okay. 18 A. Along with Chief Skahill, of course. 19 Q. And was Tom Chester with Internal 20 Affairs Division, also? 21 A. Yes. 22 Q. Okay. 23 A. He's the FBI liaison of the 24 confidential investigation section for Chicago</p>	<p style="text-align: right;">Page 51</p> <p>1 just back up. Prior to the meeting with Chief 2 Skahill, I had -- I believe it was Officer 3 Echeverria notified Patrick Smith that we 4 intended on going to the chief of IAD because he 5 was requesting our involvement and it made us 6 uncomfortable. So when we walked in and saw 7 Patrick Smith there, we were floored. 8 Q. Okay. 9 A. And we had no idea who any of these 10 individuals were. Tina Skahill was very 11 welcoming, very professional, made you feel like 12 you were coming to the right place. She 13 introduced everybody in the room, she told us to 14 have a seat. 15 She said that they had had a meeting 16 prior to us coming in. They, meaning the other 17 people present, Barb West, Tom Chester, Patrick 18 Smith. At which point they had determined that 19 the Watts investigation, that we had enough 20 intelligence, that we had enough credible 21 information, that they could revive the current 22 investigation that was stalled. 23 Q. Who said this? 24 A. Tina Skahill.</p>
<p style="text-align: right;">Page 50</p> <p>1 Police. 2 Q. And had you been under the impression 3 that you were only going to meet with Tina 4 Skahill? 5 A. Yes. 6 Q. Okay. How did you set up the meeting 7 with Tina Skahill? 8 A. Officer Echeverria called and made an 9 appointment. 10 Q. Okay. What do you recall being said by 11 you and everyone else in this August, 2008 12 meeting? 13 A. The short version? 14 Q. I'm afraid to say I think I need the 15 long version. 16 A. Oh, no. 17 Q. I need your best recollection of 18 everything that was said in that meeting -- 19 A. Okay. 20 Q. -- from the beginning until the end, as 21 best you can recall. 22 A. I can recall. 23 Q. Okay. 24 A. We walked in the door -- and let me</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Okay. 2 A. With our involvement in the 3 investigation. 4 Q. Okay. 5 A. We were told that the investigation 6 under Ken Samuels was not closed out, but -- I 7 forgot the FBI term that they use. 8 Q. Okay. 9 A. But just dormant, like stalled. 10 Q. Okay. 11 A. Because they were unable to gather any 12 current information on activity to -- 13 Q. Okay. I just want to make sure you're 14 telling me what was said in this meeting. 15 A. Yes. 16 Q. Okay. 17 A. And so then we were told that what we 18 were going to do is be detailed to 543. 19 Q. Let me stop you for a second. Did 20 anyone other than Tina Skahill say anything in 21 the meeting? 22 A. I know that Patrick Smith -- everyone 23 was talking at some point. 24 Q. Okay.</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
53-56

<p style="text-align: right;">Page 53</p> <p>1 A. It was an interactive conversation.</p> <p>2 Q. Okay. I'm sorry, continue. What else</p> <p>3 do you recall being said and by whom in the</p> <p>4 meeting?</p> <p>5 A. Okay. Well, then Tina Skahill wanted</p> <p>6 to hear our story, like what had happened. And</p> <p>7 I believe Officer Echeverria, since he's the one</p> <p>8 that made the appointment, laid the facts on the</p> <p>9 table and told them, this is the information I</p> <p>10 got, this is how I got it, this is who I</p> <p>11 reported it to, this is additional information I</p> <p>12 learned.</p> <p>13 I -- you know, we learned that there's</p> <p>14 been so many open CR numbers against these same</p> <p>15 individuals and, you know, all this time has</p> <p>16 gone by from the first time I was contacted and</p> <p>17 we decided to go on our own to FBI and, you</p> <p>18 know.</p> <p>19 Q. Was the conversation just about Officer</p> <p>20 Watts or other individuals, as well?</p> <p>21 A. No. The member of his tact team, as</p> <p>22 well.</p> <p>23 Q. Okay. Were the specific names --</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. Okay. Was it your point of going to</p> <p>2 the FBI to get approval to work on this with --</p> <p>3 during your regular work hours?</p> <p>4 A. Going to the FBI?</p> <p>5 Q. Going to the department. I'm sorry.</p> <p>6 A. No. It was to inform Tina Skahill that</p> <p>7 we had gone to the FBI and that this agent was</p> <p>8 now contacting us and wanting us to break away</p> <p>9 and -- or meet with him and we informed him that</p> <p>10 we couldn't.</p> <p>11 Q. Okay. So were you trying to get</p> <p>12 Officer Skahill to protect you from having to</p> <p>13 work on this investigation or get authorization</p> <p>14 to work on it during work hours?</p> <p>15 A. No. It was to inform her of the action</p> <p>16 that we had taken and we didn't know -- you</p> <p>17 know, we work for Chicago Police Department --</p> <p>18 Q. Yes.</p> <p>19 A. -- we're unfamiliar with the rules and</p> <p>20 regulations on what exactly you can and cannot</p> <p>21 do with these agents.</p> <p>22 Q. Okay.</p> <p>23 A. And in order for this to remain</p> <p>24 confidential -- because I do recall now that</p>
<p style="text-align: right;">Page 54</p> <p>1 Q. -- discussed in that meeting?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And Officer Mohammed was one of</p> <p>4 them?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. What else do you recall, if</p> <p>7 anything, you or anyone else saying in the</p> <p>8 meeting?</p> <p>9 A. I remember that we were being told that</p> <p>10 we were going -- we're not asking you to go to</p> <p>11 this investigation. I remember that I voiced</p> <p>12 extreme concern because I worked with these</p> <p>13 individuals from the start of my career, one of</p> <p>14 the named targets I actually graduated the</p> <p>15 academy with and I also knew the allegations</p> <p>16 that were made against Sergeant Watts --</p> <p>17 Q. Sure.</p> <p>18 A. -- and they're serious allegations.</p> <p>19 And not only is he working with -- allegedly</p> <p>20 working with these gang members and committing</p> <p>21 these crimes, he also has the ability to look</p> <p>22 into who's investigating him and he has the</p> <p>23 ability to use the police systems and it made me</p> <p>24 extremely nervous.</p>	<p style="text-align: right;">Page 56</p> <p>1 Patrick Smith and Julie Anderson said, we must</p> <p>2 keep this confidential, the investigation must</p> <p>3 remain confidential. We cannot talk about this</p> <p>4 to anyone or we would be interfering with the</p> <p>5 investigation and could jeopardize it. So we</p> <p>6 couldn't just go ask our own sergeant.</p> <p>7 Q. Sure.</p> <p>8 A. So we know that IAD does confidential</p> <p>9 investigations.</p> <p>10 Q. Sure.</p> <p>11 A. So we went to get clarification from</p> <p>12 her and make sure that we weren't coloring</p> <p>13 outside the lines in any capacity before, you</p> <p>14 know, Patrick Smith was requesting what I felt</p> <p>15 was too much. And so we just wanted to -- and</p> <p>16 you can't -- with confidential information, you</p> <p>17 don't know who's friends with who --</p> <p>18 Q. Sure.</p> <p>19 A. -- so we went to the chief.</p> <p>20 Q. Sure, sure. And you said you were told</p> <p>21 in that meeting that you needed to keep this</p> <p>22 confidential?</p> <p>23 A. Yes, yes, yes.</p> <p>24 Q. Okay. Other than what you've already</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
57-60

<p style="text-align: right;">Page 57</p> <p>1 testified to, what do you recall else, if 2 anything, being said in this August, 2008 3 meeting? 4 A. I recall Tina Skahill saying that this 5 is going to be a very good move for you, it is 6 necessary. This is a very important 7 investigation to the department, you have the 8 resources, you have the ability to close this 9 out with positive results, your concerns are 10 unwarranted, we would never just throw you back 11 into patrol, you will be protected, your 12 identity will never be revealed. 13 In fact, you know, you can be made 14 meritorious sergeant from this because -- 15 meritorious means when you go above and beyond. 16 You know it's not -- that's what it's supposed 17 to be for. You can remain on the task force so 18 you don't go right back into patrol and some -- 19 you know, that's I think a three or five-year 20 detail. 21 She said, we protect our people at all 22 costs, it will never come back to you. You have 23 nothing to worry about as long as you don't ever 24 talk about this. Chief Skahill, Tom Chester --</p>	<p style="text-align: right;">Page 59</p> <p>1 A. I did not perceive it as that 2 personally. 3 Q. Okay. Is it your understanding that in 4 that meeting, Tina Skahill was promising you 5 that at the end of this investigation, you would 6 be on some task force? 7 A. I did not perceive it as a promise of 8 exactly where or something, but a promise of you 9 would not be returned here and we will take care 10 of you. 11 Q. Okay. I'm sorry. Other than what 12 you've already testified to, what else do you 13 recall being said in that August, 2008 meeting? 14 A. I recall that it was explained to us 15 why we were going to be detailed to 543 and the 16 structure of how that worked. Because my 17 partner and I were unfamiliar of 543, which is 18 miscellaneous details. She explained that -- 19 Q. I'm sorry. Is Tina Skahill explaining 20 this to you? 21 A. Yes. 22 Q. Okay. 23 A. She explained that there are many 24 different divisions that come out of there, like</p>
<p style="text-align: right;">Page 58</p> <p>1 Q. Go ahead. I'm sorry. 2 A. They then said, this is how we're going 3 to proceed. 4 Q. Let me stop you for a second. When 5 Sergeant -- I'm sorry. When Tina Skahill was 6 saying, this will be a good move for you, you 7 could be made meritorious sergeant, you could 8 remain on the task force, you understood that as 9 she was giving you possible outcomes following 10 this investigation, she wasn't promising you 11 those things, correct? 12 A. She was promising us that we would be 13 one, protected -- 14 Q. Yes. 15 A. -- two, our identity would never be 16 revealed; and three, we would be able to go 17 within a specialized unit of like the FBI Task 18 Force or something so we would not transition 19 right back into the Chicago Police Officers 20 directly or promoted so that you're not back in 21 the rank and files until it's safe to do so. 22 Q. Okay. Is it your understanding that in 23 that meeting, Tina Skahill was promising you a 24 promotion?</p>	<p style="text-align: right;">Page 60</p> <p>1 the Mayor's detail, serving I think summons, the 2 DEA Task Force, FBI Task Force. So you would 3 report to 543. That way if anybody, like 4 Sergeant Watts or someone else, we don't know 5 where the investigation is going -- 6 Q. Sure. 7 A. -- or how far up the chain it's going 8 to lead, we're to look at where -- whoever would 9 question us, it would say 543 miscellaneous 10 detail. And from there -- 11 Q. And 543 was Detached Services, correct? 12 A. I'm sorry, Detached Services. With 13 many miscellaneous details in there, that's 14 correct. 15 Q. Okay. 16 A. And then that would show that we were 17 there and then nobody would be exactly sure what 18 we were doing. We could never be connected 19 specifically to what was then dubbed as 20 Operation Brass Tax, the Ronald Watts case. 21 And we were told that we were under no 22 circumstances no one is allowed to question us 23 about this. We do not talk about it. The only 24 people that would have knowledge were the people</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
61-64

<p style="text-align: right;">Page 61</p> <p>1 that were in the room. And I believe the people 2 above her at the time was Debra Kirby, Brust and 3 Jodie Wies. And other than that, we were given 4 a story to stick to. 5 Q. Okay. 6 A. No matter who asked us. 7 Q. Okay. And this is Tina Skahill giving 8 you this information? 9 A. Yes. 10 Q. Okay. 11 A. At points Barb West may have been 12 talking and Tom Chester was definitely talking. 13 Q. Okay. 14 A. And they were just breaking it down and 15 explaining, but the majority of the information 16 came from Chief Skahill. 17 Q. Okay. And while I understand they were 18 indicating it would be a confidential 19 investigation, did anyone say that the folks, 20 the people that would know about it would be on 21 a need to know basis? 22 A. Yes. 23 Q. Okay, all right. 24 A. Oh, no.</p>	<p style="text-align: right;">Page 63</p> <p>1 Q. -- or Officer Echeverria, correct? 2 A. No. 3 Q. Correct? 4 A. Correct. 5 Q. Okay. Do you recall anything else 6 being said -- 7 A. Yes, I remember Tina -- 8 Q. -- in the August, 2008 meeting? 9 A. So sorry. 10 Q. That's okay. 11 A. Tina Skahill and Patrick Smith 12 discussed that the FBI was to give us vehicles 13 and we would be using FBI vehicles and that we 14 would complete packets for our credentials so 15 that we would report to 2111 West Roosevelt on a 16 regular basis and we would report our -- the 17 liaison, our direct contact for CPD was Tom 18 Chester. We could go into 543. 19 The only person that would -- in 543 20 that knew what we would be doing was then 21 Lieutenant and Commanding Officer Liz Glatz, 22 G-L-A-T-Z. And if anyone, including a 23 lieutenant or someone, asked us anything, just 24 say you work for Tom Chester and they should</p>
<p style="text-align: right;">Page 62</p> <p>1 Q. Other than what you've already 2 testified to, is there anything else you recall 3 being said in that meeting? 4 A. I have a question. When you say on a 5 need to know basis, are you talking -- I 6 perceive that question to mean that we were not 7 to discuss it with other people. 8 Q. Okay. 9 A. Am I correct? 10 Okay. So my answer to yes is meaning 11 that I am not to discuss it with other people 12 because there's only certain people that need to 13 know about the investigation. 14 Q. Correct. 15 A. Okay. And we do our reports and give 16 them to Tom Chester and Tom Chester briefs, 17 whether it's Tina Skahill -- 18 Q. Sure. 19 A. -- or the superintendent or whoever. 20 But we don't go outside that square. 21 Q. Sure, right. But the certain people 22 who would need to know about the investigation, 23 was not determined by you -- 24 A. No.</p>	<p style="text-align: right;">Page 64</p> <p>1 know immediately not to ask you anything 2 further. 3 Q. Okay. 4 A. And then she said that it was going to 5 happen quick, that we were going to be moved 6 right away. She -- they stressed the importance 7 of keeping our identity confidential -- 8 Q. Okay. 9 A. -- is not to discuss this. 10 Q. Right. 11 A. Gave us the story that we were going to 12 be -- once again, we were detailed to 543 and 13 the story was that we were being borrowed as 14 intelligence to the FBI Narcotics Task Force. 15 So we were to also, you know, along the way have 16 stories ready for -- you know, you're going to 17 run into police personnel. 18 Q. Sure. 19 A. They're going to ask you where are you 20 working, what are you doing. 21 Q. Sure. 22 A. So make sure you're prepared for that. 23 Q. Did they tell you what to say to those 24 people who may ask you what you're doing?</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
65-68

<p style="text-align: right;">Page 65</p> <p>1 A. Yeah. You're borrowed to the FBI</p> <p>2 Narcotics Task Force and, you know, discuss what</p> <p>3 you want about that but be vague. But questions</p> <p>4 will come up, you know, who are you working for.</p> <p>5 Q. Sure.</p> <p>6 A. Many officers -- when we got to</p> <p>7 2111 West Roosevelt, we realized there was a</p> <p>8 whole lot of CPD personnel in there.</p> <p>9 Q. And that address is the FBI</p> <p>10 headquarters, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Do you recall anything else</p> <p>13 being said at the August, 2008 meeting?</p> <p>14 A. You know, we were given the BlackBerry</p> <p>15 numbers of Barb West, Tom Chester, Tina Skahill</p> <p>16 for direct contact.</p> <p>17 Q. Okay.</p> <p>18 A. We were told that, you know, we weren't</p> <p>19 going to discuss this with anyone from</p> <p>20 Narcotics, that it would be handled at the chief</p> <p>21 level.</p> <p>22 Q. Okay.</p> <p>23 A. We would at some point be told -- how</p> <p>24 it was going to happen is somebody from</p>	<p style="text-align: right;">Page 67</p> <p>1 Q. Okay. And I don't want to hear about</p> <p>2 secrets or no secrets. What else was said in</p> <p>3 the August, 2008 meeting?</p> <p>4 A. I was just about to tell you. I said</p> <p>5 in the meeting, it's no secret that when you go</p> <p>6 against other officers in the department, the</p> <p>7 things that can happen to you.</p> <p>8 Q. Someone said that in the meeting?</p> <p>9 A. I said it.</p> <p>10 Q. Okay. You said it?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. And I was extremely concerned.</p> <p>14 Q. Okay.</p> <p>15 A. And we were reassured that we were</p> <p>16 doing the right thing and that, you know, we</p> <p>17 would be protected.</p> <p>18 Q. Okay.</p> <p>19 A. And that people come forward and you</p> <p>20 never know about it, we should have no fears.</p> <p>21 Q. Okay. They were basically telling you</p> <p>22 they do things like this all the time, you</p> <p>23 shouldn't worry?</p> <p>24 A. Correct.</p>
<p style="text-align: right;">Page 66</p> <p>1 Narcotics would just tell us that we're on an</p> <p>2 order to go and we just say, okay.</p> <p>3 Q. Okay.</p> <p>4 A. But we don't -- you don't go to work</p> <p>5 and ask or anything, it was just going to be</p> <p>6 handled.</p> <p>7 Q. Okay.</p> <p>8 A. Run silent.</p> <p>9 Q. Okay. Other than what you've already</p> <p>10 testified to, do you recall anything else said</p> <p>11 in the August, 2008 meeting?</p> <p>12 A. I know that we were reassured that we</p> <p>13 were doing the right thing and we were thanked</p> <p>14 for coming forward and that, you know, it's no</p> <p>15 secret in the Chicago Police Department that</p> <p>16 when you go against officers --</p> <p>17 MR. KING: I move to strike the</p> <p>18 response.</p> <p>19 BY MR. KING:</p> <p>20 Q. My question is do you recall anything</p> <p>21 else being said --</p> <p>22 A. Yes.</p> <p>23 Q. -- in the August, 2008 meeting?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Okay. Anything else you can recall</p> <p>2 being said in that meeting?</p> <p>3 A. I think the major points are covered.</p> <p>4 Q. Okay.</p> <p>5 A. I believe so.</p> <p>6 Q. Okay. Was it your understanding</p> <p>7 that -- well, strike that.</p> <p>8 Just so I'm clear, would you say that</p> <p>9 you and Officer Echeverria agreed to participate</p> <p>10 under these terms, you weren't -- this wasn't</p> <p>11 something you were coerced to do against your</p> <p>12 will, was it?</p> <p>13 A. Well, I can tell you we were told in</p> <p>14 this meeting, we're not asking, we're informing</p> <p>15 you that you will be part of this</p> <p>16 investigation.</p> <p>17 Q. Okay. Did you agree to be part of the</p> <p>18 investigation?</p> <p>19 A. When a chief tells you you're going to</p> <p>20 be part of the investigation, you agree to it.</p> <p>21 Q. Okay.</p> <p>22 A. Yes.</p> <p>23 Q. Okay. My question is did you not want</p> <p>24 to be part of this investigation but you were</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
69-72

<p style="text-align: right;">Page 69</p> <p>1 ordered to, is that what your testimony is?</p> <p>2 A. I was concerned about being part of</p> <p>3 this investigation and I was reassured that --</p> <p>4 from the chief that it would be fine. And so</p> <p>5 yes, we agreed to be part of the</p> <p>6 investigation --</p> <p>7 Q. Okay.</p> <p>8 A. -- under those conditions.</p> <p>9 Q. Fair enough, okay.</p> <p>10 Was it your understanding that</p> <p>11 immediately after that meeting, you were going</p> <p>12 to Detached Services or would it be some time</p> <p>13 later that you would be told that you were going</p> <p>14 to Detached Services?</p> <p>15 A. She just said that it would happen</p> <p>16 soon.</p> <p>17 Q. Okay. If you'll look at Paragraph 28</p> <p>18 of the Amended Complaint. You say that certain</p> <p>19 CPD command staff knew of your involvement with</p> <p>20 the Watts investigation, including the</p> <p>21 superintendent and former deputy superintendent</p> <p>22 Kirby and the chief of IAD at the time was Tina</p> <p>23 Skahill and later Juan Rivera, correct?</p> <p>24 A. Correct. And also to that list I</p>	<p style="text-align: right;">Page 71</p> <p>1 IAD office, I believe it would be the chief.</p> <p>2 And whether Barb West was present or not, I was</p> <p>3 not at the meetings or the briefings.</p> <p>4 Q. Okay. During the August, 2008 meeting,</p> <p>5 are you -- is it your testimony that you were</p> <p>6 told that the superintendent would be made aware</p> <p>7 of your involvement in Operation Brass Tax?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. During that August, 2008</p> <p>10 meeting, is it your testimony that you were made</p> <p>11 aware that Deputy Superintendent Kirby would be</p> <p>12 made aware of your involvement in the</p> <p>13 investigation?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And obviously Chief Skahill was</p> <p>16 in the meeting, so she knew about your</p> <p>17 involvement of the investigation, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And you think that Mr. Brust, that he</p> <p>20 may or may not have told you that he would also</p> <p>21 be made aware of your involvement in the</p> <p>22 investigation, is that your best recollection?</p> <p>23 A. My recollection is his name came up as</p> <p>24 being a person that had knowledge of it, but I</p>
<p style="text-align: right;">Page 70</p> <p>1 believe was Brust, who worked under Jodie Wies,</p> <p>2 and I cannot tell you --</p> <p>3 Q. Sure.</p> <p>4 A. -- his position or his first name or</p> <p>5 anything. I never met the man.</p> <p>6 Q. That's fine. What's your basis for</p> <p>7 saying Superintendent Wies was aware of your</p> <p>8 participation in the investigation?</p> <p>9 A. Because during that meeting with Chief</p> <p>10 Skahill, Tom Chester, Barb West and Patrick</p> <p>11 Smith, we were told the only people that will</p> <p>12 know about it are the people in the room and</p> <p>13 that list was given to us, these people. And</p> <p>14 nobody else outside this circle, other than</p> <p>15 Liz Glatz.</p> <p>16 MR. KING: I move to strike the answer</p> <p>17 as nonresponsive.</p> <p>18 BY MR. KING:</p> <p>19 Q. What's your basis for saying that the</p> <p>20 superintendent of police Jodie Wies had</p> <p>21 knowledge of your involvement in the Watts</p> <p>22 investigation?</p> <p>23 A. Because the superintendent was briefed</p> <p>24 about Operation Brass Tax by somebody from the</p>	<p style="text-align: right;">Page 72</p> <p>1 don't know if it was in this meeting or later on</p> <p>2 in the investigation.</p> <p>3 Q. Okay. So these individuals,</p> <p>4 Superintendent Kirby and Brust possibly, you</p> <p>5 were being told in the meeting that they already</p> <p>6 had knowledge of this?</p> <p>7 A. That they --</p> <p>8 Q. Correct?</p> <p>9 A. That they -- I was being told that they</p> <p>10 would be the only ones who would have knowledge.</p> <p>11 Whether they already had knowledge or they had</p> <p>12 knowledge after the meeting, I can't say because</p> <p>13 I'm not privilege to those meetings.</p> <p>14 Q. Right, right. So you have no personal</p> <p>15 knowledge of what the superintendent had</p> <p>16 knowledge of with respect to your involvement in</p> <p>17 the investigation, correct?</p> <p>18 MR. SMITH: Objection, are you asking</p> <p>19 at the time of the meeting or subsequent?</p> <p>20 BY MR. KING:</p> <p>21 Q. I'm asking at the time of the meeting.</p> <p>22 A. I have no idea.</p> <p>23 Q. Okay. So after that August, 2008</p> <p>24 meeting, there was a period of time where you</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
73-76

<p style="text-align: right;">Page 73</p> <p>1 continued to work in Narcotics before you were</p> <p>2 told that you were being detailed to Detached</p> <p>3 Services, correct?</p> <p>4 A. Yeah, about two days.</p> <p>5 Q. About two days, okay.</p> <p>6 So on Paragraph 29 of the Amended</p> <p>7 Complaint, you indicated that you were detailed</p> <p>8 to Detached Services at a certain point and you</p> <p>9 then reported directly to FBI headquarters; is</p> <p>10 that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And our records indicate you were</p> <p>13 detailed to Detached Services early August,</p> <p>14 2008. Does that sound correct?</p> <p>15 A. That's what your records reflect?</p> <p>16 Q. Yes.</p> <p>17 A. That's --</p> <p>18 Q. I'm just asking if that sounds correct</p> <p>19 to you.</p> <p>20 A. Yes, because it was immediately after</p> <p>21 the meeting with Chief Skahill.</p> <p>22 Q. Okay.</p> <p>23 A. When I say immediately, days. That</p> <p>24 fast.</p>	<p style="text-align: right;">Page 75</p> <p>1 Q. Okay.</p> <p>2 A. -- Tom Chester, Liz Glatz. We reported</p> <p>3 to her periodically. We would go into 543, but</p> <p>4 2111 West Roosevelt is where we reported.</p> <p>5 Q. Okay. Paragraph 30 of the Complaint</p> <p>6 you say, over the next several years, Plaintiff</p> <p>7 continued to work on Operation Brass Tax.</p> <p>8 During that time, you were also encouraged by</p> <p>9 CPD command staff to develop other Narcotics</p> <p>10 related cases, which overlapped with their work</p> <p>11 on Operation Brass Tax.</p> <p>12 Who encouraged you to develop other</p> <p>13 Narcotics cases as alleged in Paragraph 30?</p> <p>14 A. Juan Rivera.</p> <p>15 Q. Okay. And at the time Juan Rivera was</p> <p>16 chief of the Internal Affairs Division, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And do you know why Chief Rivera asked</p> <p>19 you to also work on other Narcotics cases?</p> <p>20 A. Yes.</p> <p>21 Q. Why?</p> <p>22 A. Because I told him that during the</p> <p>23 course of the investigation, we were coming</p> <p>24 across very credible Narcotics information that</p>
<p style="text-align: right;">Page 74</p> <p>1 Q. Okay. And when you were then detailed</p> <p>2 to Detached Services and reporting to the FBI,</p> <p>3 was it your understanding at that point that</p> <p>4 that was all you were going to do, was work on</p> <p>5 the Watts case with the FBI or would you work on</p> <p>6 the Watts case as needed and then you performed</p> <p>7 other responsibilities in the Detached Services</p> <p>8 unit?</p> <p>9 A. Our purpose for being detailed to the</p> <p>10 FBI was to work on Operation Brass Tax.</p> <p>11 Q. At the time you were detailed to</p> <p>12 Detached Services, was it your understanding</p> <p>13 that you were going to spend all of your work</p> <p>14 time working on Operation Brass Tax or that you</p> <p>15 would work on it periodically as needed and also</p> <p>16 have some responsibilities within Detached</p> <p>17 Services?</p> <p>18 A. Work on Operation Brass Tax full time</p> <p>19 with no responsibility -- other responsibilities</p> <p>20 within 543.</p> <p>21 Q. Okay. And what was the basis for that</p> <p>22 understanding?</p> <p>23 A. Because that's what we were told we</p> <p>24 were going to do in that meeting by the chief --</p>	<p style="text-align: right;">Page 76</p> <p>1 did not pertain directly to Operation Brass Tax</p> <p>2 but that Chicago Police Narcotics Division could</p> <p>3 use and develop conspiracies or search warrants.</p> <p>4 And he said, as long as it doesn't compromise</p> <p>5 Brass Tax or overlap it, by all means, any</p> <p>6 intelligence that you gather regarding</p> <p>7 Narcotics, you have my blessing to go back to</p> <p>8 Narcotics and forward that information to the</p> <p>9 officers and supervisors there and I will sign</p> <p>10 off on any overtime that you work with them on</p> <p>11 cases that you develop. Because if you can</p> <p>12 kill basically two birds with one stone --</p> <p>13 Q. Sure.</p> <p>14 A. -- by all means, do it, as long as it</p> <p>15 does not interfere, compromise the integrity of</p> <p>16 Operation Brass Tax.</p> <p>17 Q. Okay.</p> <p>18 A. You can't cross that line.</p> <p>19 Q. Do you recall how long you were working</p> <p>20 out of FBI headquarters before you had that</p> <p>21 conversation with Chief Rivera?</p> <p>22 A. I don't.</p> <p>23 Q. Okay. Any sense of whether it was in</p> <p>24 2008, 2009, 2010?</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
77-80

<p style="text-align: right;">Page 77</p> <p>1 A. It might have been about 2010.</p> <p>2 Q. Okay. And when you were reporting to</p> <p>3 the FBI to work at that headquarters but were</p> <p>4 also in the Detached Services unit, did you have</p> <p>5 an understanding of there was someone in</p> <p>6 Detached Services that you were supposed to</p> <p>7 report to also?</p> <p>8 A. No.</p> <p>9 Q. During that time when you were in</p> <p>10 Detached Services and reporting to the FBI</p> <p>11 headquarters, do you know if your time, the A&amp;A</p> <p>12 sheets for you were being kept in Detached</p> <p>13 Services?</p> <p>14 A. I believe they would be.</p> <p>15 Q. Okay.</p> <p>16 A. But I never questioned that. I never</p> <p>17 asked that question.</p> <p>18 Q. Okay. And you believe they would be</p> <p>19 because --</p> <p>20 A. Why would the FBI have them.</p> <p>21 Q. Okay. And you were detailed to</p> <p>22 Detached Services Unit 543, right?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 79</p> <p>1 Q. Was there any time while you were</p> <p>2 working in Detached Services and working on the</p> <p>3 Watts investigation that you were told to report</p> <p>4 to Lieutenant Cervanka?</p> <p>5 A. No.</p> <p>6 Q. Do you have any knowledge of whether</p> <p>7 Lieutenant Cervanka was aware of your work on</p> <p>8 Operation Brass Tax while you were in Detached</p> <p>9 Services?</p> <p>10 A. No. He was not in that list of who</p> <p>11 would have knowledge of it.</p> <p>12 Q. Okay.</p> <p>13 A. So I don't believe he should have had</p> <p>14 knowledge of it.</p> <p>15 Q. Okay. You don't recall any</p> <p>16 circumstances where you were instructed by</p> <p>17 anyone that on days that you were going to be</p> <p>18 working at the FBI, that you would let</p> <p>19 Lieutenant Cervanka know that you'd be over at</p> <p>20 the FBI and not working at Detached Services?</p> <p>21 A. At no time did anybody tell myself,</p> <p>22 tell me that I was ever to report to anybody</p> <p>23 from Narcotics.</p> <p>24 Q. Okay. You testified earlier that</p>
<p style="text-align: right;">Page 78</p> <p>1 A. To the best of my knowledge, we were.</p> <p>2 That's what we were told.</p> <p>3 Q. Okay.</p> <p>4 A. I can't be sure how they recorded it</p> <p>5 because I'm not privilege to the records.</p> <p>6 Q. Are you familiar with Lieutenant</p> <p>7 Cervanka?</p> <p>8 A. I know who he is, yes.</p> <p>9 Q. Was he ever a lieutenant in your chain</p> <p>10 of command at any point?</p> <p>11 A. He was.</p> <p>12 Q. At what period of time was -- were you</p> <p>13 working ultimately under Lieutenant Cervanka?</p> <p>14 A. When Chief Limon called me after I was</p> <p>15 the victim of the robbery and battery and asked</p> <p>16 me if I had been working with my partner Danny</p> <p>17 Echeverria, set back up with him. And I told</p> <p>18 him, no. And he said, well, I'll adjust that</p> <p>19 and take care of it. He then moved me to work</p> <p>20 on Sergeant Roderick Watson's team with Danny</p> <p>21 Echeverria, which fell under Cervanka's command.</p> <p>22 Q. Okay.</p> <p>23 A. And that was for a brief time prior to</p> <p>24 going to 543.</p>	<p style="text-align: right;">Page 80</p> <p>1 Chief Rivera told you essentially if you came</p> <p>2 across credible Narcotics information that might</p> <p>3 help an investigation, you should report that.</p> <p>4 Did he tell you who you should take that</p> <p>5 information to?</p> <p>6 A. He told me, feel free to pass it on to</p> <p>7 someone that we may have known or worked with in</p> <p>8 Narcotics.</p> <p>9 Q. Okay.</p> <p>10 A. To pass the intelligence on.</p> <p>11 Q. Okay. And were there any situations</p> <p>12 while you were in Detached Services, that you</p> <p>13 did pass intelligence on to anyone in Narcotics?</p> <p>14 A. Yes.</p> <p>15 Q. And whom did you pass that information</p> <p>16 onto?</p> <p>17 A. Sergeant Jay Padar and at the time</p> <p>18 Anthony Hernandez worked on his team.</p> <p>19 Q. And those would be the only two</p> <p>20 individuals?</p> <p>21 A. Other members of the Narcotics team</p> <p>22 would work on the cases, but those were the</p> <p>23 individuals we contacted or we discussed with.</p> <p>24 Q. Okay. How many times do you think you</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
81-84

<p style="text-align: right;">Page 81</p> <p>1 provided information to Sergeant Padar while you 2 were in Detached Services and working on the 3 Watts investigation about other Narcotics 4 cases? 5 A. Multiple times. I can't be sure of the 6 exact amount. 7 Q. And would that be the same for Officer 8 Hernandez? 9 A. Correct. 10 Q. Okay. But other than you communicating 11 information to them, you didn't talk to anybody 12 else in Narcotics about the information or 13 evidence that you'd come up with? 14 A. Okay. That's -- we would initially 15 speak to one of those individuals being Padar or 16 Hernandez. 17 Q. Sure. 18 A. Once the information was provided and 19 the supervising sergeant Jay Padar decided that 20 they were going to work it, we would then talk 21 to other team members if we were going to go do 22 a search warrant or something. 23 Q. Sure. 24 A. But the initial intelligence was --</p>	<p style="text-align: right;">Page 83</p> <p>1 Watts investigation, you testified that you were 2 also from time to time working on Narcotics 3 cases. 4 Did you have an understanding of who 5 your direct report was, if anyone, while you 6 were working on those Narcotics cases? 7 A. Yeah. We reported directly to Tom 8 Chester and we would inform Tom Chester and also 9 Juan Rivera directly. 10 Q. Okay. During that same period of time, 11 were you ever told that you needed to let 12 someone know on the days that you'd be working 13 on the Watts case, someone within the police 14 department? 15 A. No. We would report to work at the FBI 16 building. What do you -- what do you mean 17 someone? Tom Chester was within the police 18 department, but he was at the FBI building. 19 Q. Okay. So if there were days where you 20 didn't go to the FBI building because you were 21 working on a Narcotics case, were you supposed 22 to report what you were doing for that day, hey, 23 we're not going to be at FBI, we're going to be 24 in Narcotics? Were you supposed to tell someone</p>
<p style="text-align: right;">Page 82</p> <p>1 Q. Right. 2 A. -- given to them and then that was how 3 it flowed to the team. 4 Q. Right. So you mentioned, for example, 5 if you were going to do a search warrant -- so 6 at times while you were in Detached Services and 7 you were working on the Watts investigation with 8 the FBI, at times you were also working on 9 Narcotics cases; is that your testimony? 10 A. Yes. 11 Q. Okay. 12 A. It happened multiple times. 13 Q. Okay. And when you were working on 14 Narcotics cases, did you have an understanding 15 of who you reported to in connection with that 16 work of Narcotics cases? 17 MR. SMITH: I'm just going to object to 18 the form of the question, vague as to reported 19 to. 20 BY MR. KING: 21 Q. Did you understand my question? 22 A. Could you say it again, please? 23 Q. During the period when you were in 24 Detached Services and you were working on the</p>	<p style="text-align: right;">Page 84</p> <p>1 that? 2 A. We weren't, per se, in Narcotics. 3 Q. Right. 4 A. But rather just forwarding the 5 information. 6 Q. Sure. 7 A. And then the search warrants that 8 Officer Echeverria and I participated on were 9 always overtime and we would report directly to 10 Sergeant Padar, who was conducting the search 11 warrants then. 12 Q. Okay. 13 A. And that was with Juan Rivera's 14 consent. 15 Q. Okay. So is it correct that when you 16 were in Detached Services and you provided 17 information to Sergeant Padar or Officer 18 Hernandez and that led to further work, as you 19 just said, was that work always under Sergeant 20 Padar? 21 A. Yes. 22 Q. Okay. I assume the decision to move 23 you to Detached Services so that you could work 24 on the Watts case, you're not claiming that that</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
85-88

<p style="text-align: right;">Page 85</p> <p>1 decision was part of any retaliation against you</p> <p>2 in this case, are you?</p> <p>3 A. When Tina Skahill moved us?</p> <p>4 Q. Yes.</p> <p>5 A. No.</p> <p>6 Q. And, in fact, you're not alleging, the</p> <p>7 Plaintiffs are not alleging that Tina Skahill</p> <p>8 retaliated against you or harassed you in any</p> <p>9 manner in this case?</p> <p>10 A. Not in any manner whatsoever.</p> <p>11 Q. Okay. If I could direct your attention</p> <p>12 to Paragraph 31 in the Amended Complaint, which</p> <p>13 indicates, on an unknown date, information that</p> <p>14 Plaintiffs had reported criminal misconduct by a</p> <p>15 sworn officer and were working with an outside</p> <p>16 investigation was leaked within the department</p> <p>17 and became known to Defendant Commander O'Grady.</p> <p>18 What's the basis for your allegation</p> <p>19 that information was leaked to Commander</p> <p>20 O'Grady?</p> <p>21 A. Okay. If I may, I need to back you up</p> <p>22 just a little bit because that's really a</p> <p>23 two-part question. How we found out the</p> <p>24 information and then who we addressed it to.</p>	<p style="text-align: right;">Page 87</p> <p>1 or an undercover or assigned to 189, which we</p> <p>2 were, and it has to come from then Commander</p> <p>3 James O'Grady, who I never worked under. I was</p> <p>4 gone before he came, okay.</p> <p>5 Q. Right.</p> <p>6 A. It was submitted. Commander --</p> <p>7 Q. Let me stop you for a second. You said</p> <p>8 you were assigned to 189 and, in fact, at the</p> <p>9 time were detailed to Detached Services,</p> <p>10 correct?</p> <p>11 A. Correct. But the way that works, we're</p> <p>12 assigned and then detailed.</p> <p>13 Q. I understand.</p> <p>14 A. So that is correct.</p> <p>15 Q. Okay. So Padar, Sergeant Padar hands</p> <p>16 you a form, I think you said?</p> <p>17 A. No.</p> <p>18 Q. I'm sorry.</p> <p>19 A. Okay. He hands me back --</p> <p>20 Q. Right.</p> <p>21 A. I completed a file, submitted it, gave</p> <p>22 it to Padar, who submitted it to Commander</p> <p>23 O'Grady. Commander O'Grady then signed off on</p> <p>24 it.</p>
<p style="text-align: right;">Page 86</p> <p>1 Q. My question for now is what's the basis</p> <p>2 for the allegation that information was leaked</p> <p>3 to Commander O'Grady?</p> <p>4 A. Okay.</p> <p>5 Q. How do you know that?</p> <p>6 A. Because on one of the search warrants</p> <p>7 that we were conducting with Sergeant Jay Padar</p> <p>8 and his team, we were in the 7th District</p> <p>9 parking lot after the search warrant. And</p> <p>10 Sergeant Jay Padar handed me back a file that I</p> <p>11 had submitted, along with Officer Echeverria, to</p> <p>12 register our -- register our informants who were</p> <p>13 already registered as FBI informants with the</p> <p>14 Chicago Police Department so they could be</p> <p>15 compensated --</p> <p>16 Q. Okay.</p> <p>17 A. -- for the work that they were now</p> <p>18 doing on these other Narcotic cases that</p> <p>19 were --</p> <p>20 Q. You were trying to get approval for a</p> <p>21 confidential informant to get paid?</p> <p>22 A. Correct, under these.</p> <p>23 Q. Okay.</p> <p>24 A. The approval you have to be assigned --</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. Okay. Just to stop you. The</p> <p>2 information you're testifying to is based on</p> <p>3 what Sergeant Padar told you in the parking lot,</p> <p>4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. So did he tell you that</p> <p>7 Commander O'Grady had signed off on it?</p> <p>8 A. He handed me back the file and I looked</p> <p>9 at it and saw that it was signed off.</p> <p>10 Q. Okay.</p> <p>11 A. And then he said that there was a</p> <p>12 yellow Post-it on it for him to go see Commander</p> <p>13 O'Grady.</p> <p>14 Q. Okay. So when you saw the form, it had</p> <p>15 been signed by Commander O'Grady?</p> <p>16 A. Yes.</p> <p>17 Q. And there was a yellow Post-it on it</p> <p>18 telling Sergeant Padar to see Commander O'Grady</p> <p>19 about this?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 A. It was -- the Post-it was on the</p> <p>23 outside envelope of the packet. It was multiple</p> <p>24 forms.</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
89-92

<p style="text-align: right;">Page 89</p> <p>1 Q. Okay. Did Sergeant Padar say anything 2 else to you in that conversation -- 3 A. Yes. 4 Q. -- in the parking lot? 5 A. Yes. 6 Q. What else did he tell you? 7 A. He said -- when I went in there, 8 Commander O'Grady said to me, he said, I will 9 not approve this with these two IAD rats 10 Spalding and Echeverria on here. If you want to 11 remove their names, I will approve the informant 12 for Hernandez only. Furthermore, you are no 13 longer to ever work with them. I don't want 14 them in this building, you never cross their 15 paths. And if you are out there and they call a 16 10-1, which is a police emergency, you or any 17 member of this division is not to respond. 18 And I looked at him and I said, why in 19 the hell would a commander who never met me say 20 something like that. He said, don't kill the 21 messenger, I have no idea. So do you want to 22 remove your names. And I said, no, and I took 23 the file back, which is now in possession of my 24 attorney.</p>	<p style="text-align: right;">Page 91</p> <p>1 won't be anyone from Narcotics. 2 We took our file -- and he said, we 3 have the search warrant for 7:00 tomorrow 4 morning. After that, I have my direct orders, 5 we are to part ways and our paths are never to 6 cross again per Commander O'Grady. 7 Q. Okay. 8 A. With that information -- 9 Q. Let me just stop you. 10 Other than what you've already 11 testified to, was there anything else said in 12 that conversation in the parking lot? 13 A. I remember asking him, you know, why 14 Commander O'Grady would do this and why he 15 thought we were working with IAD. And he said, 16 I'm not sure where his information came from, 17 I'm not privilege to that. I just know that 18 that's what he said. 19 Q. Okay. So you don't know -- if 20 Commander O'Grady had learned that you were 21 working with IAD, you don't know how he learned 22 that or what the source of that information is, 23 correct? 24 A. I do know.</p>
<p style="text-align: right;">Page 90</p> <p>1 Q. Okay. 2 A. Okay. And then I'm -- 3 Q. Are we still talking about with 4 Sergeant Padar, the conversation with you and 5 him in the parking lot? 6 A. Yes. 7 Q. Is your partner, Officer Echeverria, 8 there at this time also? 9 A. Yes. Along with another witness. 10 Q. Okay. Who else was there? 11 A. Anthony Hernandez. 12 Q. Okay. 13 A. Because it was his search warrant. 14 Q. Okay. Was there anything else said in 15 that conversation by either Sergeant Padar or 16 you or Officer Hernandez or Officer Echeverria? 17 A. Yes. 18 Q. What else was said? 19 A. I said, you mean to tell me if Danny 20 and I leave this parking lot and someone has 21 opened fire on us and shooting on us, you will 22 not respond? Sergeant Padar said, I can't and I 23 won't. I have my orders, I can't mess up my 24 job. But someone on the zone will come, it just</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. You know now? 2 A. I do know now. 3 Q. Okay. What's your understanding of the 4 source of that information to Commander O'Grady? 5 A. Once that incident occurred, my partner 6 Echeverria and I went to Juan Rivera and I was 7 absolutely mortified that my -- that somebody 8 may have knowledge of the investigation. It was 9 clear Commander O'Grady had insider information 10 as to what we were doing, because he knew that 11 there was a confidential investigation into 12 other officers, okay. 13 Q. Okay. 14 A. So with that information, I asked Juan 15 Rivera, how in the hell would Commander O'Grady 16 have known this. And he said, that may be my 17 fault. 18 Q. Okay. 19 A. And I asked Juan Rivera, what do you 20 mean, that may be your fault? He said, I might 21 have fucked up. 22 Q. Okay. 23 A. He said, I went to Ernie Brown, the 24 then chief of Organized Crime, and told him you</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
93-96

<p style="text-align: right;">Page 93</p> <p>1 two were working on Operation Brass Tax and the 2 nature of the investigation. 3 And I asked Juan Rivera, why in the 4 hell would you do something like that when you 5 know there are connected relationships with him 6 and the targets of the investigation that is 7 jeopardizing our safety. He said, I did it with 8 the hopes that Ernie Brown would then put you in 9 place for the FBI Task Force. But instead, he 10 held a meeting and told everybody with his 11 commanding officers over there when he wasn't 12 supposed to do that. 13 Q. Okay. We'll come back to that, that 14 conversation with Rivera. But when you were 15 executing search warrants and doing work for 16 Sergeant Padar -- 17 A. With Sergeant Padar. 18 Q. -- with Sergeant Padar, that was work 19 in the Narcotics unit, correct? 20 A. No. 21 Q. It was Narcotics work? 22 A. It was -- it was us providing, once 23 again, intelligence of narcotics activity -- 24 Q. Okay.</p>	<p style="text-align: right;">Page 95</p> <p>1 doing that, you are assisting with Narcotics 2 cases other than the Watts case, correct? 3 A. On overtime, yes. 4 Q. Okay. And at the time, James O'Grady 5 was the commander of the Narcotics Division, 6 correct? 7 A. Yes. 8 Q. And at the time, Ernie Brown was the 9 chief over Organized Crime that included the 10 Narcotics Division, correct? 11 A. Correct. 12 Q. You testified that when Sergeant Padar 13 told you this information that Commander O'Grady 14 had allegedly said, you had never worked for 15 O'Grady previously, correct? 16 A. Correct. 17 Q. Did you know Commander O'Grady at all? 18 A. No. 19 Q. Okay. And I apologize for interrupting 20 you. Let's go back to the conversation that you 21 had with Juan Rivera once you learned that 22 Commander O'Grady was aware of your work, as you 23 allege, on Operation Brass Tax. 24 Sergeant -- or Chief Rivera indicates</p>
<p style="text-align: right;">Page 94</p> <p>1 A. -- so that the Narcotics officers could 2 then go and -- 3 Q. Sure. 4 A. -- execute the search warrants and 5 build up conspiracies, which we did not work 6 on. 7 Q. Okay. 8 A. We only worked on the information we 9 provided where our informant would be the 10 witness for the search warrant or something -- 11 Q. Right. 12 A. -- and we were necessary to be involved 13 in. 14 Q. My point is you were spending some of 15 your time not on the Watts case but you were 16 spending it on things related to Narcotics 17 investigation, correct? 18 MR. SMITH: Objection to the form of 19 the question, vague and Narcotics is the work. 20 BY MR. KING: 21 Q. You're in the parking lot talking to 22 Padar and you're providing information, you 23 testified, about other Narcotics matters. 24 So I'm just asking you when you're</p>	<p style="text-align: right;">Page 96</p> <p>1 that he told Ernie Brown and you testified that 2 he had done it for a certain reason and instead 3 that Ernie Brown held a meeting. What did 4 Rivera tell you about the meeting that Ernie 5 Brown held? 6 A. He said that instead of keeping the 7 information confidential, it's apparent that he 8 opened his mouth to everyone of his -- you know, 9 at least the command staff, which then obviously 10 trickles down, because now Sergeant James Padar 11 knows about it, too. 12 Q. I just want to know what specifically 13 Rivera told you out of his mouth in this 14 meeting. What -- tell me about that 15 conversation, everything that you can recall. 16 A. Everything I just said. 17 Q. And was Officer Echeverria part of this 18 meeting, as well? 19 A. Yes. And it was in the -- it was not a 20 meeting in a room where we were sitting down. 21 Q. Sure. 22 A. It was a conversation in the hallway 23 outside of his office. 24 Q. Okay.</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
97-100

<p style="text-align: right;">Page 97</p> <p>1 A. And yes, Officer Echeverria was there.  2 I was very upset. I even -- I said, I wanted to  3 be removed from the investigation, that I didn't  4 feel safe, my identity had been compromised.  5 And these people all have access to where I  6 live, my daughter. And the crimes alleged  7 against these members that we're investigating,  8 are very serious allegations. And I did not  9 feel safe at all. And he -- he violated  10 every -- everything that I was told would never  11 happen.  12 Q. All right. I'm going to move to strike  13 the answer. My question -- and I do apologize  14 for interrupting you when you started talking  15 about the conversation.  16 But I'm going to ask you to start from  17 the beginning. You and Officer Echeverria are  18 in the hallway and you have a conversation with  19 Juan Rivera where he tells you about the fact  20 that he had disclosed it to Ernie Brown.  21 A. Correct.  22 Q. Tell me everything you recall you  23 saying --  24 A. Okay.</p>	<p style="text-align: right;">Page 99</p> <p>1 Brass Tax and the nature of the investigation,  2 but I did it in hopes that he would then put you  3 on an FBI Task Force. And I told Juan Rivera,  4 why would you tell someone that has  5 relationships with the targets of the  6 investigation? It could compromise the  7 investigation. It definitely compromised our  8 safety. It's supposed to be a confidential  9 investigation. It doesn't make any sense is  10 what I'm telling him.  11 Q. Okay.  12 A. That you're the chief and you would  13 tell this person. I don't feel safe anymore. I  14 want to be removed from the investigation. He  15 said, you can't. This is an important  16 investigation. You have to stay on it. Hang in  17 there. Hang in there. Hang in there when I  18 have people telling me that I could be shot and  19 they're not going to help me in the street.  20 And he said that Ernie Brown was  21 supposed to keep that information confidential,  22 but instead he had a meeting with then Deputy  23 Chief Nick Roti and Commander O'Grady and  24 obviously his command staff. I don't know</p>
<p style="text-align: right;">Page 98</p> <p>1 Q. -- Officer Echeverria saying --  2 A. Okay.  3 Q. -- or Juan Rivera saying in that  4 hallway conversation.  5 A. I said -- I informed Chief Juan  6 Rivera -- I wanted to know --  7 Q. Take your time.  8 A. -- how the hell Commander O'Grady knew  9 to the point that a sergeant would tell me that  10 he would go the other way if I was being shot at  11 and that they would not respond.  12 And this is a man I have never met.  13 How the hell did O'Grady find out to the point  14 that you put my life and my partner's life in  15 jeopardy. And Chief Rivera said -- and Chief  16 Rivera said --  17 Q. Take your time.  18 A. -- that may be my fault, I might have  19 fucked up.  20 Q. Okay.  21 A. And I'm quoting, so I apologize.  22 Q. Sure.  23 A. I went to Ernie Brown and I told him  24 that the two of you were working on Operation</p>	<p style="text-align: right;">Page 100</p> <p>1 everybody.  2 Q. Did he tell -- who did he tell you, who  3 did Rivera tell you that the meeting Brown  4 allegedly had with? Did he --  5 A. He only named who was then deputy chief  6 was Nick Roti, Nick Roti. I'm sorry. Nicholas  7 Roti, if I'm saying that name correct, and then  8 Commander O'Grady.  9 Q. Okay.  10 A. And then he told me that I had to stay  11 on this investigation.  12 Q. Other than him telling you that Ernie  13 Brown had had a meeting with Nick Roti and  14 O'Grady, did he tell you anything else about it?  15 A. That he was supposed to keep his F-ing  16 mouth shut.  17 Q. Okay.  18 A. He wasn't supposed to do that.  19 Q. And it was your understanding that Juan  20 Rivera was not in this meeting that Ernie Brown  21 allegedly had with Roti and O'Grady, correct?  22 A. I didn't perceive it that he was in the  23 meeting.  24 Q. Okay.</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
101-104

<p style="text-align: right;">Page 101</p> <p>1 A. But I was not there and I don't know 2 who was there. 3 Q. Right, right. 4 So other than what you've already 5 testified to, do you recall anything else that 6 you, Officer Echeverria or Juan Rivera said in 7 this hallway conversation? 8 A. That we were just to continue working 9 on Operation Brass Tax, lay low, stay off the 10 radar, do not go around, you know, Narcotics and 11 all that. He said -- we obviously can't work 12 with them anymore. But just don't -- steer 13 clear of Narcotics, stay away from them for your 14 own safety. You know, fly under the radar, lay 15 low. You report directly to me, you tell me, 16 you know, what you guys are doing and fly under 17 the radar, unseen, unheard for your own safety. 18 Q. Okay. Do you recall anything else 19 being said? 20 A. I really -- you know, other than me 21 saying several times that I wanted off of this 22 and being told to hang in there. 23 Q. Do you recall if Officer Echeverria 24 said he wanted off of this?</p>	<p style="text-align: right;">Page 103</p> <p>1 take a break? 2 MR. KING: Absolutely. 3 (Whereupon, a discussion was had 4 off the record.) 5 (Whereupon, Spalding Deposition 6 Exhibit No. 2 was marked for 7 identification.) 8 BY MR. KING: 9 Q. Officer Spalding, I'm showing you 10 another document that's been marked as Spalding 11 Deposition Exhibit No. 2. And I would ask you 12 to take a look at this document and let me know 13 if you've ever seen this before. 14 A. This is part of -- yes. The answer is 15 yes. 16 Q. Okay. 17 A. This is part of the informant packet 18 that I and my partner Officer Echeverria 19 submitted to have our informant approved -- 20 Q. All right. 21 A. -- registered with the Chicago Police 22 Department to Sergeant Jay Padar who in turn 23 turned it into Commander O'Grady. 24 Q. Okay. And you say this is part of the</p>
<p style="text-align: right;">Page 102</p> <p>1 A. I know he did. 2 Q. Do you recall if he said that in the 3 meeting? 4 A. I don't know. 5 Q. Okay. 6 A. I'm not sure at this point. 7 Q. Okay. And after that conversation with 8 Juan Rivera, did you, in fact, stop working on 9 any Narcotics cases? 10 A. Yes. We had no choice. 11 Q. My question is -- 12 A. We stopped. 13 Q. -- after the conversation, did you stop 14 working on any Narcotics cases? 15 A. With -- 16 Q. Other than the Watts investigation. 17 A. Watts investigation is a Narcotics. 18 Other than the -- other than the Watts 19 investigation. Do you mean FBI-wise or do you 20 mean CPD-wise? 21 Q. I mean CPD-wise. 22 A. Yes, we stopped. 23 Q. Okay. 24 MR. SMITH: Is this an okay time to</p>	<p style="text-align: right;">Page 104</p> <p>1 packet, correct? 2 A. No, I don't know if -- yes, it is part 3 of the packet. 4 Q. Okay. And if you look on Page 1 of 5 this document, does it appear to be signed by 6 Commander O'Grady? 7 A. Yes. 8 Q. Okay. Where do you see Commander 9 O'Grady's signature? 10 A. Isn't that the second one? Am I 11 mistaken? 12 Q. On the right side of the page under 13 Jay Padar, you believe that's Commander 14 O'Grady's signature; is that correct? 15 A. I thought it was. 16 Q. Okay. 17 A. It's not? 18 Q. Other than -- 19 A. I can't read it. 20 Q. Okay. That's fine. 21 A. I thought it was Commander O'Grady's. 22 Q. Other than not having the yellow 23 Post-it note on Exhibit 2 that you testified to 24 before, does this look like -- is this the</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
105-108

<p style="text-align: right;">Page 105</p> <p>1 document that you were testifying about</p> <p>2 previously?</p> <p>3 A. This is part of it, yes.</p> <p>4 Q. Turning your attention back to</p> <p>5 Exhibit 1 of the Amendment Complaint.</p> <p>6 A. I'm sorry, where are we?</p> <p>7 Q. The Amended Complaint. And we'll look</p> <p>8 at Paragraphs 34 and 35 deal with -- well, take</p> <p>9 a look at 34 and 35. And my question is the</p> <p>10 basis for the information alleged in -- let me</p> <p>11 strike that. Let's just direct your attention</p> <p>12 to Paragraph 35.</p> <p>13 And my question is the basis for what's</p> <p>14 alleged in Paragraph 35 is what Jay Padar told</p> <p>15 you in the parking lot what you've already</p> <p>16 testified to, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Okay.</p> <p>19 MR. SMITH: I object --</p> <p>20 BY MR. KING:</p> <p>21 Q. And directing your attention to</p> <p>22 Paragraph 36, you allege that by interfering</p> <p>23 with your ability to develop Narcotics cases in</p> <p>24 the unit, Defendant O'Grady intentionally</p>	<p style="text-align: right;">Page 107</p> <p>1 A. I have no idea.</p> <p>2 Q. Okay. As you sit here, you don't have</p> <p>3 any idea how much you earned in overtime in any</p> <p>4 of the years between 2006 and 2014; is that fair</p> <p>5 to say?</p> <p>6 A. That's fair to say.</p> <p>7 Q. Okay. Now, directing your attention to</p> <p>8 Paragraph 38 of the Amended Complaint. What's</p> <p>9 the basis of your allegation in Paragraph 38</p> <p>10 that, on one or more dates, multiple Defendants</p> <p>11 discussed the handling or treatment of</p> <p>12 Plaintiffs. At one such meeting, Plaintiffs'</p> <p>13 possible reassignment was discussed. In</p> <p>14 response, Defendant O'Grady referred to</p> <p>15 Plaintiffs as rats and stated he did not want</p> <p>16 Plaintiffs working in his unit.</p> <p>17 Is that also based on what Jay Padar</p> <p>18 told you in that conversation in the parking</p> <p>19 lot?</p> <p>20 A. No.</p> <p>21 Q. Okay. What's the basis for that</p> <p>22 allegation in Paragraph 38?</p> <p>23 A. The basis is -- you're going to ask me</p> <p>24 for the date and I can't tell you the date.</p>
<p style="text-align: right;">Page 106</p> <p>1 prohibited Plaintiffs from earning overtime.</p> <p>2 And that's based on your prior testimony that</p> <p>3 Jay Padar was allowing you to work overtime on</p> <p>4 some Narcotics cases, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. And do you happen to know how</p> <p>7 much you made in overtime in 2008?</p> <p>8 A. Not much. It was stopped.</p> <p>9 Q. Okay.</p> <p>10 A. I have no idea the amount to be honest</p> <p>11 with you.</p> <p>12 Q. Okay. How about let's say 2007, 2006,</p> <p>13 any of those years, do you know the amount of</p> <p>14 overtime you earned?</p> <p>15 A. I have no idea.</p> <p>16 Q. Okay. How about 2009 or 2010, do you</p> <p>17 know the amount of overtime you earned?</p> <p>18 A. No, I don't even know the amount. But</p> <p>19 2010 was much more than the rest of them, I</p> <p>20 believe.</p> <p>21 Q. You believe?</p> <p>22 A. Or maybe it was 2011. The VRI program.</p> <p>23 I don't know.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. So you're about to tell me about a</p> <p>2 meeting that you believe occurred?</p> <p>3 A. That I know occurred.</p> <p>4 Q. Okay. Were you in the meeting?</p> <p>5 A. No, I was not.</p> <p>6 Q. So you're going to tell me about a</p> <p>7 meeting you believe occurred, correct?</p> <p>8 A. I'm going to tell you about a meeting</p> <p>9 Juan Rivera informed me of that occurred.</p> <p>10 Q. Okay. Do you know what year that</p> <p>11 meeting was?</p> <p>12 A. It was right at the time -- the day</p> <p>13 before we were reassigned from 543 to the</p> <p>14 academy. Is that Unit 041? The police academy.</p> <p>15 Q. Okay.</p> <p>16 A. So the day before that.</p> <p>17 Q. Okay. Juan Rivera told you about a</p> <p>18 meeting the day before that or he told you the</p> <p>19 meeting happened the day before?</p> <p>20 A. The meeting occurred the day before.</p> <p>21 Q. Okay. So when did Juan Rivera tell</p> <p>22 you about the meeting, the same day or was it</p> <p>23 later?</p> <p>24 A. It was -- it was the next day, I</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
109-112

<p style="text-align: right;">Page 109</p> <p>1 believe. It was within a couple of days of the</p> <p>2 meeting.</p> <p>3 Q. Okay.</p> <p>4 A. The day of, the day after.</p> <p>5 Q. Okay.</p> <p>6 A. Shortly after the meeting occurred.</p> <p>7 Q. Okay. And what did Ron -- Juan Rivera</p> <p>8 tell you about this meeting?</p> <p>9 A. Juan Rivera stated that in the meeting</p> <p>10 when we were being reassigned from 543, removed</p> <p>11 from the Brass Tax investigation, that a meeting</p> <p>12 was called and present in the meeting was</p> <p>13 Beatrice Cuello, James Jackson, Nick Roti or</p> <p>14 Roti. I'm sorry, Nick Roti, James O'Grady,</p> <p>15 Juan Rivera, and I don't recall if he mentioned</p> <p>16 anyone else or not.</p> <p>17 Q. I thought you previously testified that</p> <p>18 Juan Rivera was not in this meeting.</p> <p>19 MR. SMITH: Objection, it assumes it's</p> <p>20 the same meeting.</p> <p>21 THE WITNESS: That's not the same</p> <p>22 meeting. This is the meeting on -- are you</p> <p>23 talk -- this is not the Ernie Brown meeting.</p> <p>24 BY MR. KING:</p>	<p style="text-align: right;">Page 111</p> <p>1 said, what you said, what Officer Echeverria</p> <p>2 said in that conversation.</p> <p>3 A. I believe that 38 is referring to the</p> <p>4 meeting that occurred the day before we were</p> <p>5 removed from Operation Brass Tax. So if, in</p> <p>6 fact, that is the one that we're referencing, he</p> <p>7 stated shortly after, within the next day or so,</p> <p>8 that in that meeting -- the individuals that I</p> <p>9 named -- do you want me to repeat them? No,</p> <p>10 you're good? Beatrice Cuello, okay.</p> <p>11 Beatrice Cuello wanted us removed from</p> <p>12 543. And usually you return to your unit of</p> <p>13 assignment and she was requesting that we go</p> <p>14 back to work for O'Grady and Nick Roti. At</p> <p>15 which point Juan Rivera stated that O'Grady said</p> <p>16 in the meeting that I'm not taking those F-ing</p> <p>17 IAD rats back; and furthermore, God help them if</p> <p>18 they need help on the street, he's not -- it's</p> <p>19 not going to come. She's going to -- I'll</p> <p>20 bounce her to the 3rd District on midnights and</p> <p>21 him, I don't remember if it was the 14th or 13th</p> <p>22 District on midnights. We're not taking --</p> <p>23 under no circumstances are they coming back</p> <p>24 here. And then --</p>
<p style="text-align: right;">Page 110</p> <p>1 Q. Right. I'm talking about the -- at one</p> <p>2 such meeting, as you allege in Paragraph 38,</p> <p>3 that's the meeting we're talking about now,</p> <p>4 correct?</p> <p>5 A. Yeah.</p> <p>6 Q. Okay.</p> <p>7 A. It's -- I believe -- I believe 38 is</p> <p>8 referencing a meeting that happened in regards</p> <p>9 to us being removed from Operation Brass Tax, at</p> <p>10 which point Beatrice Cuello wanted us returned</p> <p>11 to Unit 189.</p> <p>12 Q. And you found out about the content of</p> <p>13 this meeting from Juan Rivera, correct?</p> <p>14 A. That is correct.</p> <p>15 Q. Tell me everything you recall -- strike</p> <p>16 that.</p> <p>17 Did Juan Rivera tell you about this</p> <p>18 meeting in person or in a telephone call?</p> <p>19 A. In person.</p> <p>20 Q. And was Officer Echeverria also there?</p> <p>21 A. Yes.</p> <p>22 Q. Was anyone else present?</p> <p>23 A. No.</p> <p>24 Q. Okay. And tell me what Juan Rivera</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. You mentioned in your description of</p> <p>2 the meeting, you made a comment that normally</p> <p>3 you'd go back to your unit, that -- that's your</p> <p>4 understanding. You weren't relating what Chief</p> <p>5 Rivera told you about the meeting, correct?</p> <p>6 A. No, no. He said, normally you would</p> <p>7 just go back, but they don't want you back.</p> <p>8 Q. Okay.</p> <p>9 A. They're not going to take you back</p> <p>10 because --</p> <p>11 Q. I understand. Chief Rivera told you</p> <p>12 that?</p> <p>13 A. Yes.</p> <p>14 Q. So Paragraphs 38 and 39 are both what</p> <p>15 was -- Paragraph 39 is part of what was said in</p> <p>16 the meeting, correct?</p> <p>17 A. I didn't even read that far. But yes.</p> <p>18 Q. What else -- other than what you've</p> <p>19 testified to, what else did Juan Rivera tell you</p> <p>20 was said in the meeting?</p> <p>21 A. He said that not only did -- not only</p> <p>22 did they not want to take us back because we</p> <p>23 assisted on a confidential investigation against</p> <p>24 other officers, but he'd like to see us fired,</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
113-116

<p style="text-align: right;">Page 113</p> <p>1 that our careers were over.</p> <p>2 Q. Rivera said -- who said that they'd</p> <p>3 like to see you fired?</p> <p>4 A. O'Grady.</p> <p>5 Q. Okay.</p> <p>6 A. And then --</p> <p>7 Q. Do you recall anything else that Rivera</p> <p>8 said in the meeting?</p> <p>9 A. Yes. At this time, Nick Roti is now</p> <p>10 the chief and Ernie Brown is no longer the</p> <p>11 chief.</p> <p>12 Q. Chief of Organized Crime?</p> <p>13 A. Of Organized Crime, correct. And that</p> <p>14 we would never, ever work in Organized Crime</p> <p>15 again or any task force or anything. It will</p> <p>16 never happen.</p> <p>17 Q. Did Rivera tell you that or did Rivera</p> <p>18 say that someone said that in the meeting?</p> <p>19 A. Rivera said that Nick -- Chief Nick</p> <p>20 Roti said that. And he said, that's a big</p> <p>21 problem because if you are to go to any task</p> <p>22 force after this, Nick Roti is the one who has</p> <p>23 to sign off on it. But because you assisted --</p> <p>24 Q. I understand. I'm just asking you</p>	<p style="text-align: right;">Page 115</p> <p>1 he could help us and that our careers were over.</p> <p>2 Q. Okay.</p> <p>3 A. That was it, basically.</p> <p>4 Q. Okay. And you don't recall anything</p> <p>5 else being said?</p> <p>6 A. Not.</p> <p>7 Q. You don't have to.</p> <p>8 A. Not at this time.</p> <p>9 Q. Okay.</p> <p>10 A. I don't -- I don't know if I will</p> <p>11 later, but I don't now right at this moment.</p> <p>12 Q. Did Rivera tell you at that point that</p> <p>13 the two of you were going to be sent back to</p> <p>14 patrol, meaning you and Officer Echeverria?</p> <p>15 A. Earlier that day, that same day on</p> <p>16 the -- we heard when we reported to the</p> <p>17 academy -- no. To answer your question, at that</p> <p>18 moment in time in that same conversation, no.</p> <p>19 Q. Okay. Let's -- I think this is going</p> <p>20 to get to what you are going to testify about.</p> <p>21 If you look at Paragraph 45 of the Amended</p> <p>22 Complaint, you allege that Chief Kirby caused</p> <p>23 the two of you to be removed from your detail in</p> <p>24 543 Detached Services.</p>
<p style="text-align: right;">Page 114</p> <p>1 about what Rivera said to you.</p> <p>2 A. Rivera is telling me this. But because</p> <p>3 you guys assisted with this, they don't want you</p> <p>4 in their unit.</p> <p>5 Q. Okay.</p> <p>6 A. Juan Rivera also said that it's</p> <p>7 really -- your careers are over.</p> <p>8 Q. Rivera said that, he didn't -- someone</p> <p>9 said that in the meeting?</p> <p>10 A. No. Rivera was -- it was Rivera's</p> <p>11 opinion that our careers were over.</p> <p>12 Q. Okay. Do you recall anything else that</p> <p>13 was said in the meeting with you, Officer</p> <p>14 Echeverria and Juan Rivera?</p> <p>15 A. Yes. I recall that he said that his</p> <p>16 hands were tied because Nick Roti is in bed with</p> <p>17 the superintendent, that's his drinking buddy.</p> <p>18 And whatever he says, Gary McCarthy -- no, that</p> <p>19 was a different time. I'm sorry. That was a</p> <p>20 later time. Please disregard that, because this</p> <p>21 is later. It wasn't that time. This time was</p> <p>22 just about the meeting from 543.</p> <p>23 Q. Right.</p> <p>24 A. No, he said that he was limited in how</p>	<p style="text-align: right;">Page 116</p> <p>1 Can you explain the basis of that</p> <p>2 allegation, why you believe Defendant Kirby</p> <p>3 caused you to be removed?</p> <p>4 A. Yes. On that date in question, which</p> <p>5 was late May of 2011, the person that we were to</p> <p>6 report to in 543 was Lieutenant Liz Glatz. She</p> <p>7 went on furlough and was in Ireland. She was</p> <p>8 the only person within the unit that knew what</p> <p>9 our true assignment was.</p> <p>10 Q. Okay.</p> <p>11 A. Okay. I don't know --</p> <p>12 Q. To the best of your knowledge, she was</p> <p>13 the only person in the Detached Services who</p> <p>14 knew what your true assignment was?</p> <p>15 A. To the best of my knowledge.</p> <p>16 Q. Okay.</p> <p>17 A. Okay. So on the date in question, the</p> <p>18 acting commanding officer in her place while she</p> <p>19 is gone is a Sergeant Jill Stevens.</p> <p>20 Q. Okay.</p> <p>21 A. She calls my partner Echeverria and</p> <p>22 states that --</p> <p>23 Q. And just to stop you for a moment.</p> <p>24 This was a conversation between Jill Stevens --</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
117-120

<p style="text-align: right;">Page 117</p> <p>1 A. And Echeverria.</p> <p>2 Q. -- and Echeverria? You were not part</p> <p>3 of the conversation?</p> <p>4 A. I was not part of it. She called him</p> <p>5 on the phone.</p> <p>6 Q. And what's your understanding of what</p> <p>7 was said in that conversation?</p> <p>8 A. What my understanding was is that Jill</p> <p>9 Stevens related to Officer Echeverria that she</p> <p>10 needed a specific form and she gave the name of</p> <p>11 the form, I don't recall what the name was,</p> <p>12 completed -- completed listing what our exact</p> <p>13 assignment was, the nature of our investigation,</p> <p>14 who we reported directly to. And Danny related</p> <p>15 back -- Officer Echeverria related back to</p> <p>16 Sergeant Jill Stevens that he would call her</p> <p>17 back.</p> <p>18 Q. Go ahead.</p> <p>19 A. Do you know the form I'm talking about?</p> <p>20 Q. Go ahead. I do.</p> <p>21 A. That she --</p> <p>22 Q. Okay. So is it your testimony that</p> <p>23 your understanding is that after Jill Stevens</p> <p>24 requested whatever she requested, did --</p>	<p style="text-align: right;">Page 119</p> <p>1 question back?</p> <p>2 (Whereupon, the record was read</p> <p>3 as requested.)</p> <p>4 BY MR. KING:</p> <p>5 Q. Is that correct?</p> <p>6 A. He was unable to provide the</p> <p>7 information she requested. So no, he did not</p> <p>8 provide it.</p> <p>9 Q. Okay. Well, he knew information about</p> <p>10 what he was working on and who he was working</p> <p>11 with, he certainly knew information about the</p> <p>12 assignment. Your understanding is that he did</p> <p>13 not provide that to Sergeant Stevens, correct?</p> <p>14 A. She did not request that. She</p> <p>15 requested that form be completed with the</p> <p>16 information.</p> <p>17 Q. Okay. And what happened next that</p> <p>18 leads to your allegation in Paragraph 45 that</p> <p>19 Debra Kirby caused you to be removed from</p> <p>20 Detached Services?</p> <p>21 A. What happens next is Danny immediately</p> <p>22 calls Chief Juan Rivera and states, Jill Stevens</p> <p>23 is requesting this information on a form that I</p> <p>24 am unfamiliar with. How do you want us to</p>
<p style="text-align: right;">Page 118</p> <p>1 Echeverria was -- the only thing he said is that</p> <p>2 he'd called her back or did he say something</p> <p>3 else?</p> <p>4 A. He said, can I call you back with that</p> <p>5 information. I don't know if she was asking if</p> <p>6 the form had been completed or informing him it</p> <p>7 needed to be completed or asking him to get the</p> <p>8 form completed by the supervisor. I do know</p> <p>9 that she was told that he would call her back</p> <p>10 and she was okay with that.</p> <p>11 Q. Okay.</p> <p>12 A. Is my understanding.</p> <p>13 Q. It's based on what Officer Echeverria</p> <p>14 has told you?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Based on that understanding, you</p> <p>17 would agree that Sergeant Stevens asked for</p> <p>18 certain information in that phone call and</p> <p>19 Officer Echeverria did not provide that</p> <p>20 information in that phone call?</p> <p>21 A. He told her he did not have that</p> <p>22 information but he would get that information</p> <p>23 for her and call her back.</p> <p>24 MR. KING: Okay. Could you read my</p>	<p style="text-align: right;">Page 120</p> <p>1 proceed with this?</p> <p>2 Q. Yes.</p> <p>3 A. Chief Juan Rivera instructed, gave</p> <p>4 Officer Echeverria a direct order and said,</p> <p>5 under no circumstances are you to tell Jill</p> <p>6 Stevens that you received this information from</p> <p>7 me because you will jeopardize, which was</p> <p>8 ironic, the confidentiality of the</p> <p>9 investigation, which --</p> <p>10 Q. Now, let me just stop you and ask you.</p> <p>11 You said Officer Echeverria calls Juan Rivera --</p> <p>12 A. That is correct.</p> <p>13 Q. -- and Rivera tells him some things.</p> <p>14 Are you part of that conversation or no?</p> <p>15 A. I am relating what Officer Echeverria</p> <p>16 stated to me.</p> <p>17 Q. Okay.</p> <p>18 A. I was not part of the conversation.</p> <p>19 Q. Okay. So what else did Officer</p> <p>20 Echeverria tell you about that conversation with</p> <p>21 Juan Rivera?</p> <p>22 A. He stated that Juan Rivera said, I want</p> <p>23 you to tell her the forms are already taken care</p> <p>24 of on your behalf and that under no</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
121-124

<p style="text-align: right;">Page 121</p> <p>1 circumstances are you to tell her that you spoke 2 with me. Because then she will know that you 3 are working with IAD and it will be confirmed. 4 You are to tell her the forms are completed. 5 And should she have any questions, she -- she 6 would need to contact Debra Kirby, who will 7 provide any answers to questions she has. 8 Q. Okay. 9 A. Officer Echeverria said okay, and 10 followed his instructions. 11 Q. Okay. So it's your understanding that 12 Officer Echeverria then calls Jill Stevens back, 13 is that correct? 14 A. That is correct. 15 Q. And you're also not part of that 16 conversation? 17 A. No, sir, I am not. 18 Q. And you learned from Officer Echeverria 19 what's said in that conversation between himself 20 and Jill Stevens? 21 A. That's correct. 22 Q. And what does Officer Echeverria tell 23 you about what was said in that conversation 24 with Jill Stevens?</p>	<p style="text-align: right;">Page 123</p> <p>1 Q. Did she say her or did she say Beatrice 2 Cuello? 3 A. She said, I will let her -- I believe 4 she said, I will let her. Because in the 5 initial conversation, she had stated that per 6 Beatrice Cuello, these forms needed to be 7 completed. 8 Q. Okay. So to the best of your 9 knowledge, it was Echeverria's understanding 10 that Beatrice Cuello had asked Jill Stevens to 11 call him and request this information; is that 12 correct? 13 A. Yes, yes. 14 Q. Okay. 15 A. So when -- 16 Q. And do you know -- do you have any 17 knowledge of the circumstances as to why 18 Beatrice Cuello would have called and asked 19 Jill Stevens to contact Officer Echeverria and 20 get information about his assignment? 21 A. We have information -- I have 22 information as to why and then further 23 information later as to why. 24 But the information immediately stated</p>
<p style="text-align: right;">Page 122</p> <p>1 A. He states that when he called Officer 2 Stevens back, he said words to the effect of, 3 please don't take this as any disrespect, but I 4 was told to tell you that -- by my chief that 5 those forms are completed on our behalf and that 6 should you have any further questions, you would 7 need to contact -- or need further information, 8 that your source of information should come 9 directly from Debra Kirby and that you should 10 contact her and she should be able to answer any 11 questions that you have. 12 Jill Stevens then said, what chief was 13 that. And Danny again said, I apologize, you 14 know, but I cannot give you that information, I 15 am not at liberty to say. And she said, so 16 you're telling me you are refusing to answer my 17 question. Officer Echeverria said, it's not 18 that I'm refusing, I've been given a direct 19 order not to disclose that information. Words 20 to that effect. 21 Q. Okay. 22 A. At which time Jill Stevens says, well, 23 then I will let her, referring to Beatrice 24 Cuello, know. She said I will let her --</p>	<p style="text-align: right;">Page 124</p> <p>1 by Jill Stevens is that the interim 2 superintendent would be leaving and the new 3 superintendent would be coming in and they 4 needed to have these forms completed. 5 Q. Okay. And to your understanding, was 6 that said in the first conversation -- 7 A. Yes. 8 Q. -- between Officer Echeverria and Jill 9 Stevens? 10 A. Yes. 11 Q. Okay. So he understood that she was 12 calling at the direction of Beatrice Cuello to 13 get some information that the new superintendent 14 needed, correct? 15 A. To the best of my knowledge, that is 16 correct. 17 Q. Okay. And now going back to the last 18 conversation you testified about, that Officer 19 Echeverria had with Jill Stevens or the second 20 conversation. Other than what you've already 21 testified to, are you aware of anything else 22 that was said in that conversation? 23 A. She said, well, then I will let her 24 know that you are refusing to provide the</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
125-128

<p style="text-align: right;">Page 125</p> <p>1 information and hung up on him.</p> <p>2 Q. Okay. And what, if anything, happened</p> <p>3 next that leads you to allege that Debra Kirby</p> <p>4 caused you to be removed from Detached</p> <p>5 Services?</p> <p>6 A. Multiple things happened that led me to</p> <p>7 believe that. One, I received a call, I</p> <p>8 personally received a call from Sergeant Tom</p> <p>9 Chester shortly after this saying, what the hell</p> <p>10 is going on, what happened with Jill Stevens. I</p> <p>11 relayed the same information to him that we just</p> <p>12 discussed.</p> <p>13 Q. Yes.</p> <p>14 A. Do I need to repeat it?</p> <p>15 Q. No.</p> <p>16 A. Okay. At which point he said, Juan</p> <p>17 Rivera had absolutely no right to put Officer</p> <p>18 Echeverria in that position. He should have</p> <p>19 made that call to Debra Kirby himself and had</p> <p>20 Kirby call. He said, they're in an uproar,</p> <p>21 they're trying to throw you out of 543 over</p> <p>22 this. He said, and I've got to get ahold of</p> <p>23 Juan Rivera, Juan to straighten this out.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 127</p> <p>1 is unravelling at a fast pace.</p> <p>2 Q. Right.</p> <p>3 A. So I -- you know, a lot of calls are</p> <p>4 going on, so I don't know if it's this one or</p> <p>5 the next one.</p> <p>6 Q. Do you believe you had two</p> <p>7 conversations that -- with Tom Chester about</p> <p>8 this subject?</p> <p>9 A. I don't know if they were on the same</p> <p>10 day or the next day.</p> <p>11 Q. Okay.</p> <p>12 A. But I had multiple conversation with</p> <p>13 him about this.</p> <p>14 Q. And it's your testimony that in one of</p> <p>15 those conversations, Tom Chester told you what</p> <p>16 about Debra Kirby?</p> <p>17 A. Tom -- in one of the conversations with</p> <p>18 Tom Chester, he told me that Debra Kirby had</p> <p>19 called and -- I mean, that Debra Kirby had been</p> <p>20 contacted and denied having knowledge, I was</p> <p>21 also informed by Juan Rivera of the same</p> <p>22 information.</p> <p>23 Q. Juan Rivera told you that Debbie -- Deb</p> <p>24 Kirby had been contacted and denied having</p>
<p style="text-align: right;">Page 126</p> <p>1 A. He said, you should have never been put</p> <p>2 in that position, never.</p> <p>3 Q. Okay.</p> <p>4 A. Okay.</p> <p>5 Q. Do you recall anything else being said</p> <p>6 in that conversation with you and Tom Chester?</p> <p>7 A. I don't know if it was that first</p> <p>8 conversation, because I talked to him twice that</p> <p>9 day or the next conversation.</p> <p>10 Q. Let's stick with the first one. Other</p> <p>11 than what you just testified to, can you recall</p> <p>12 anything else said in the first conversation?</p> <p>13 A. I know that he said he was going to</p> <p>14 call Chief Rivera to try to straighten this out,</p> <p>15 that this was a big mess, that Beatrice Cuello</p> <p>16 was very upset.</p> <p>17 And, again, I don't -- I don't know if</p> <p>18 in this first conversation he stated that</p> <p>19 Beatrice Cuello did call Debra Kirby and she</p> <p>20 denied having any knowledge of this</p> <p>21 investigation or that was a conversation --</p> <p>22 because I was just hit with a ton of bricks.</p> <p>23 Q. I understand.</p> <p>24 A. And so I'm not -- you know, everything</p>	<p style="text-align: right;">Page 128</p> <p>1 knowledge of your involvement in Operation Brass</p> <p>2 Tax, is that your testimony?</p> <p>3 A. That's a polite way to put what he</p> <p>4 said.</p> <p>5 Q. Tell me what he said.</p> <p>6 A. Are you sure you want me to quote him?</p> <p>7 Q. Yeah. Well, before you do that. In</p> <p>8 the multiple conversations you had with</p> <p>9 Tom Chester on this subject, other than what</p> <p>10 you've already testified to, can you recall</p> <p>11 anything else that was said between you and Tom</p> <p>12 Chester?</p> <p>13 A. In the immediately -- following the</p> <p>14 events of Jill Stevens, not immediately</p> <p>15 afterward, no.</p> <p>16 Q. Okay. Did you, around the same time</p> <p>17 you were having these conversations with</p> <p>18 Tom Chester, have a conversation with Juan</p> <p>19 Rivera about this subject?</p> <p>20 A. We had -- at the same time I had</p> <p>21 immediately tried to call Juan Rivera, and he</p> <p>22 was not picking the phone up.</p> <p>23 Q. Okay. Did you eventually speak with</p> <p>24 him?</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
129-132

<p style="text-align: right;">Page 129</p> <p>1 A. Yes. The next -- early the next 2 morning. 3 Q. Okay. And was that a telephone 4 conversation? 5 A. The first time, yes; the next time in 6 person. 7 Q. Was the telephone conversation just 8 between you and Juan Rivera? 9 A. It was between -- one conversation was 10 between Danny, but we passed the phone back and 11 forth. 12 Q. Okay. 13 A. So it was the same conversation -- 14 Q. Okay. 15 A. -- with me and I don't know if it was 16 from -- Danny called him or I called him, but we 17 both spoke on the phone. 18 Q. Sure. There was one telephone 19 conversation, you both spoke at times on the 20 phone and then you had a meeting with Rivera 21 about it; is that correct? 22 A. The same day. We were at the academy 23 that day in the morning and we -- yes. 24 Q. Tell me about the telephone</p>	<p style="text-align: right;">Page 131</p> <p>1 title, Jimmy Jackson. He said, Officer 2 Spalding, this is Deputy Superintendent Jimmy 3 Jackson with the Chicago Police Department, 4 effective immediately today, you are no longer 5 assigned to the FBI and you are being reassigned 6 to Chicago Police Department. You are to report 7 at 0700 to Beatrice Cuello at Unit 543 in 8 uniform effective tomorrow morning. 9 Q. Okay. 10 A. The next morning -- 11 Q. Did the message say you were no longer 12 assigned to the FBI -- 13 A. Correct. 14 Q. -- or no longer assigned to Detached 15 Services? 16 A. You are no longer assigned to the FBI. 17 Q. Do you still have that voicemail 18 message? 19 A. I may. 20 Q. Okay. 21 A. I may. 22 Q. I ask you and your counsel not to 23 delete it to the extent it can be transcribed, I 24 think that's called for in the request for</p>
<p style="text-align: right;">Page 130</p> <p>1 conversation that day you had with Juan Rivera. 2 What do you recall you saying to him or him 3 saying to you in the phone conversation. 4 A. Well, when I -- are you talking about 5 the day I tried to call him -- okay. 6 Q. You told me that the day you were 7 talking to Tom Chester -- 8 A. Yeah, he didn't pick up. So then -- 9 Q. -- he didn't pick up, you spoke to him 10 on the phone the following morning. 11 A. Okay, the next morning. 12 Q. I'm asking you about that telephone 13 conversation that morning. 14 A. That morning -- okay. So I informed 15 him that we were at the academy, the night 16 before we had received a call, I received a 17 message that's from James Jackson that said, 18 this is Deputy Superintendent Jimmy Jackson. 19 Q. You received a voicemail message? 20 A. A voicemail message. 21 Q. Okay. Tell me about what was left on 22 the voicemail. 23 A. Okay. I received a voicemail message 24 from Deputy Superintendent, I believe was his</p>	<p style="text-align: right;">Page 132</p> <p>1 produce in the case. But you can go back and 2 check if you have any. 3 A. I certainly will. 4 Q. Okay. So then the following morning, 5 do you have the phone conversation with Rivera 6 before you report to the police academy? 7 A. While I guess upon arrival of the 8 police academy. Because on the way there, we 9 then received a call from the secretary of 10 Beatrice Cuello that said, do not report here at 11 0700, you and your partner are going to go to a 12 one-day retraining to transition back in or 13 whatever she said. A one-day training at the 14 academy, so report to the academy at 0800 and 15 then -- for a one-day training. 16 Q. Do you know that secretary's name? 17 A. I can't think of it right now, but I do 18 know her name. 19 Q. Did you speak with her or did she also 20 leave you a voicemail message? 21 A. I spoke with her. 22 Q. And to the best of your recollection, 23 she said a one-day training? 24 A. She said, per Deputy Chief Cuello --</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
133-136

<p style="text-align: right;">Page 133</p> <p>1 Q. Okay.</p> <p>2 A. -- you are not to report here today at</p> <p>3 0700, but rather you will be going to a one-day</p> <p>4 training session at the academy starting 0800,</p> <p>5 so just go straight there.</p> <p>6 Q. Okay. And at that point, you had not</p> <p>7 yet talked to Juan Rivera?</p> <p>8 A. No.</p> <p>9 Q. Okay. And do you talk to Juan Rivera</p> <p>10 before you get to the academy?</p> <p>11 A. I talked to him -- I briefly walked</p> <p>12 into the academy and there was no training</p> <p>13 schedule for the day, at which point we walked</p> <p>14 outside and called Juan Rivera.</p> <p>15 Q. Okay.</p> <p>16 A. I was talking to him and --</p> <p>17 Q. Okay. Tell me your best recollection</p> <p>18 of everything that was said in that conversation</p> <p>19 with Juan Rivera.</p> <p>20 A. I know I said that -- or we were down</p> <p>21 at the academy, that we had received a message</p> <p>22 from Jimmy Jackson to report down there and that</p> <p>23 we were no longer assigned to 543. And he</p> <p>24 didn't seem to know what I was speaking about.</p>	<p style="text-align: right;">Page 135</p> <p>1 you're not fucking here for a one-day training.</p> <p>2 You know what the fuck you did, you fucked up.</p> <p>3 And that's when I'm no longer on the phone.</p> <p>4 He's screaming at us. And Danny is still</p> <p>5 continuing on the phone.</p> <p>6 Q. And what's this individual's name,</p> <p>7 Tom --</p> <p>8 A. Lieutenant Pigott, Pigott or something</p> <p>9 like --</p> <p>10 Q. Okay.</p> <p>11 A. I don't -- my interaction with him was</p> <p>12 very brief.</p> <p>13 Q. Okay. Before we get to Lieutenant</p> <p>14 Pigott, while you have the receiver and you're</p> <p>15 on the phone with Juan Rivera, do you recall</p> <p>16 anything else discussed?</p> <p>17 A. No.</p> <p>18 Q. Okay.</p> <p>19 A. I was briefed and then the lieutenant</p> <p>20 came out and Danny was --</p> <p>21 Q. And what are you alleging that</p> <p>22 Lieutenant Pigott said to you?</p> <p>23 A. He stated, are you Spalding and</p> <p>24 Echeverria, and I said, yes. And he said, you</p>
<p style="text-align: right;">Page 134</p> <p>1 I know that Danny had a much lengthier</p> <p>2 conversation with him --</p> <p>3 Q. Okay.</p> <p>4 A. -- in my presence. I was there. I was</p> <p>5 not the one on the phone.</p> <p>6 Q. But initially you were the one on the</p> <p>7 phone with him?</p> <p>8 A. Yeah, initially I was. I had talked --</p> <p>9 Q. When you reported those circumstances,</p> <p>10 Juan Rivera did not seem to be aware of them,</p> <p>11 correct?</p> <p>12 A. No, no.</p> <p>13 Q. That's correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Okay.</p> <p>16 A. To the best of my recollection.</p> <p>17 Q. Sure.</p> <p>18 A. But then I believe his name was</p> <p>19 Lieutenant Pigott was coming out of the academy.</p> <p>20 And aggressively like and he was saying -- Danny</p> <p>21 was then on the phone with Juan.</p> <p>22 Q. Right.</p> <p>23 A. And he was saying, are you Spalding and</p> <p>24 Echeverria, and I said, yeah. He said, you know</p>	<p style="text-align: right;">Page 136</p> <p>1 know damn -- you know damn well you're not here</p> <p>2 for a one-day training, you know what you did</p> <p>3 and you fucked up. And he said, you're not --</p> <p>4 you, and he points at me, you're going to 3 on</p> <p>5 midnights and Echeverria is going to, I don't</p> <p>6 remember, I think it was 13 on midnights or</p> <p>7 something like that.</p> <p>8 Q. Sure, sure.</p> <p>9 A. And he said and -- he said and you knew</p> <p>10 that, you were informed of this. And I said, we</p> <p>11 did not know that and neither did our chief.</p> <p>12 And he said, I'll take your cell phones, I'll</p> <p>13 write -- and if you think you're going to make a</p> <p>14 fucking phone call to get out of this, I'll get</p> <p>15 a CR number on you. He said, you knew and your</p> <p>16 chief knows.</p> <p>17 I said, no, he doesn't. He said, oh,</p> <p>18 he doesn't or your chief doesn't know? I said,</p> <p>19 no, he's on the phone right now. Do you want to</p> <p>20 talk to him? He's like, sure he's on the phone.</p> <p>21 And Danny goes, here you go, and handed him the</p> <p>22 cell phone. And then all you hear was yes, sir,</p> <p>23 yes, sir. I received an e-mail from Jimmy</p> <p>24 Jackson. I was unaware that you didn't know,</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
137-140

<p style="text-align: right;">Page 137</p> <p>1 sir. That's all we heard on that end of it.</p> <p>2 Then the phone was hung up and we were ordered</p> <p>3 to go in. And that was the end of the</p> <p>4 conversation with Juan.</p> <p>5 Q. Okay. So the conversation ends and you</p> <p>6 go back in the police academy. Is it your</p> <p>7 understanding at that point that you're going</p> <p>8 back to patrol in these two districts that</p> <p>9 Lieutenant Pigott mentioned?</p> <p>10 A. I had no understanding of anything that</p> <p>11 was happening.</p> <p>12 Q. Okay.</p> <p>13 A. So I understood nothing that was</p> <p>14 happening. We were let into the academy, we</p> <p>15 were put into an empty room why -- obviously now</p> <p>16 the lieutenant is now confused as to what is</p> <p>17 going on, Chief Rivera is confused as to what is</p> <p>18 going on.</p> <p>19 Q. Okay.</p> <p>20 A. It's nothing but mass confusion. I</p> <p>21 have no understanding of anything at that point.</p> <p>22 Q. Okay. Did you have another</p> <p>23 conversation or a meeting with Juan Rivera that</p> <p>24 day?</p>	<p style="text-align: right;">Page 139</p> <p>1 academy?</p> <p>2 A. Well, yes.</p> <p>3 Q. How long was that?</p> <p>4 A. Several months.</p> <p>5 Q. Okay.</p> <p>6 A. To the best of my recollection.</p> <p>7 Q. Ultimately, do you have any personal</p> <p>8 knowledge of whose decision it was to have you</p> <p>9 go report to the police academy?</p> <p>10 A. Well, the voicemail that was left came</p> <p>11 from Jimmy Jackson.</p> <p>12 Q. Okay.</p> <p>13 A. So that's the person who informed me.</p> <p>14 Q. Okay. And are you aware that it's</p> <p>15 police policy when an officer hasn't been in</p> <p>16 patrol for a certain extended period of time,</p> <p>17 that they're typically sent back to the police</p> <p>18 academy for some retraining before they go to</p> <p>19 patrol?</p> <p>20 A. It's my understanding in our</p> <p>21 circumstances that that's not typical.</p> <p>22 MR. KING: Could you read back my</p> <p>23 question?</p> <p>24</p>
<p style="text-align: right;">Page 138</p> <p>1 A. Yeah. We left as soon as we had a</p> <p>2 lunch break and we were right over to his</p> <p>3 office.</p> <p>4 Q. Okay.</p> <p>5 A. And that's the conversation I told you</p> <p>6 about earlier when he told us about the meeting</p> <p>7 that took place the day before where we couldn't</p> <p>8 go back to 189 like we normally would.</p> <p>9 Q. Okay.</p> <p>10 A. And all of that. And that day the --</p> <p>11 Q. That's the meeting you testified to</p> <p>12 previously?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 A. And while that meeting --</p> <p>16 Q. You and Officer Echeverria were never,</p> <p>17 in fact, sent back to patrol, correct?</p> <p>18 A. No.</p> <p>19 Q. Is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. Thank you.</p> <p>22 So you spent some time in the -- at the</p> <p>23 police academy. How long did you -- do you</p> <p>24 recall how long you reported to the police</p>	<p style="text-align: right;">Page 140</p> <p>1 (Whereupon, the record was read</p> <p>2 as requested.)</p> <p>3 BY MR. KING:</p> <p>4 Q. Are you aware of that?</p> <p>5 A. No.</p> <p>6 Q. Okay. Ever heard of that, going back</p> <p>7 to the academy for some retraining before you go</p> <p>8 back to patrol, you never heard of that?</p> <p>9 A. I've heard of it if you've been out</p> <p>10 injured or away out of service for a long period</p> <p>11 of time and haven't been actively working, like</p> <p>12 desk duty or on the street, but I have not heard</p> <p>13 of it where you were actively working on the</p> <p>14 street, and then sent for retraining. No, I</p> <p>15 never have heard of that.</p> <p>16 Q. When you say you've heard of it, have</p> <p>17 you seen a policy on that or --</p> <p>18 A. No.</p> <p>19 Q. -- just kind of --</p> <p>20 A. Just from personal knowledge --</p> <p>21 Q. Yeah.</p> <p>22 A. -- of people.</p> <p>23 Q. Okay. And you testified that you, in</p> <p>24 fact, weren't sent back to patrol. In fact,</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
141-144

<p style="text-align: right;">Page 141</p> <p>1 after the police academy, you were moved to the</p> <p>2 Inspections Division, correct?</p> <p>3 A. While we were -- that's not actually --</p> <p>4 we were under the Inspection Division A&amp;As but</p> <p>5 reported to the police academy for part of the</p> <p>6 time we were at the police academy, to answer</p> <p>7 that question.</p> <p>8 Q. Okay. And the A&amp;As is the attendance</p> <p>9 and assignments sheet, is that --</p> <p>10 A. I think it's attendance and absence or</p> <p>11 maybe it's attendance and assignments.</p> <p>12 Q. Okay. And do you recall who told you</p> <p>13 that you were going on the Inspections Division</p> <p>14 A&amp;As?</p> <p>15 A. Chief Skahill.</p> <p>16 Q. Chief Skahill?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And was that in a meeting or a</p> <p>19 telephone conversation?</p> <p>20 A. I think that it was in person.</p> <p>21 Q. Okay.</p> <p>22 A. Because we met with Chief Skahill</p> <p>23 multiple times when all this was going on. In</p> <p>24 fact, when that meeting was taking place with</p>	<p style="text-align: right;">Page 143</p> <p>1 Q. Tell me what you recall telling her.</p> <p>2 A. I told her that -- first, I said, you</p> <p>3 know, there's a big uproar and there's supposed</p> <p>4 to be a meeting going on right now. They're</p> <p>5 trying to kick us off of 543 and off of</p> <p>6 Operation Brass Tax. And she said, that can't</p> <p>7 happen, this is a very important investigation.</p> <p>8 The superintendent is directly involved with</p> <p>9 this as well as his command staff. This cannot</p> <p>10 happen. She said, what happened? And Danny</p> <p>11 explained the conversation with Jill Stevens</p> <p>12 briefly.</p> <p>13 Q. Yes.</p> <p>14 A. And she said, where is this meeting? I</p> <p>15 said, down there. Because we had just left 543</p> <p>16 so we could speak with Beatrice Cuello. She</p> <p>17 said, wait here, I'm going down there right now.</p> <p>18 This cannot be allowed. We were about to break</p> <p>19 the case the next day and sign on a big witness,</p> <p>20 and she was aware of that.</p> <p>21 Q. Okay.</p> <p>22 A. She went down to the meeting, but she</p> <p>23 shortly returned. And she said, I went down</p> <p>24 there, I couldn't get into the meeting.</p>
<p style="text-align: right;">Page 142</p> <p>1 Jimmy Jackson and I couldn't get ahold of Juan</p> <p>2 Rivera, I went down to Chief Skahill's office</p> <p>3 with Officer Echeverria to inform her of what</p> <p>4 was going on immediately.</p> <p>5 Q. Okay.</p> <p>6 A. And so then the next day when we left</p> <p>7 Rivera's office, we went back to Chief Skahill's</p> <p>8 office, because she's the one who initially</p> <p>9 placed us on the assignment.</p> <p>10 Q. Right. At that point, Chief Skahill</p> <p>11 was no longer in Internal Affairs, correct?</p> <p>12 A. No. But Chief --</p> <p>13 Q. Is that correct?</p> <p>14 A. No. I mean, correct, she was not in</p> <p>15 Internal Affairs.</p> <p>16 Q. Okay. So that day you said the two of</p> <p>17 you went to her office when you couldn't get</p> <p>18 ahold of Juan Rivera?</p> <p>19 A. Correct.</p> <p>20 Q. What do you recall being said in that</p> <p>21 meeting by you or by Officer Echeverria or Tina</p> <p>22 Skahill?</p> <p>23 A. I walked in and I told her the events</p> <p>24 that had occurred.</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. Okay.</p> <p>2 A. She said, I am going to talk to Juan</p> <p>3 Rivera the second that meeting is over, go home.</p> <p>4 We're going to have to straighten this out.</p> <p>5 Q. Okay.</p> <p>6 A. These guys are going to have to</p> <p>7 straighten this out. This can't happen.</p> <p>8 Q. Okay.</p> <p>9 A. I will call you.</p> <p>10 Q. Okay. Did Tina Skahill ever call you</p> <p>11 after that about this subject?</p> <p>12 A. She met with us the next day.</p> <p>13 Q. Okay. And it was just you and she and</p> <p>14 Officer Echeverria?</p> <p>15 A. Yes.</p> <p>16 Q. And in her office?</p> <p>17 A. Correct.</p> <p>18 Q. And what was said in that conversation?</p> <p>19 A. She said that she had spoke to Juan</p> <p>20 Rivera and that -- she had mentioned -- she had</p> <p>21 mentioned Debra Kirby, but I don't remember</p> <p>22 exactly what it was about. I do remember she</p> <p>23 said that Juan was pissed off --</p> <p>24 Q. Okay.</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
145-148

<p style="text-align: right;">Page 145</p> <p>1 A. -- about Debra Kirby denying everything 2 and starting this whole issue. 3 Q. You recall Tina Skahill saying that in 4 the meeting? 5 A. Yes. Our meeting. 6 Q. In your meeting? 7 A. Not the -- 8 Q. I understand. In your meeting with 9 Tina Skahill, you remember her saying something 10 to the effect that Juan was pissed off? 11 A. That Juan had related to her that he 12 was pissed. 13 Q. Okay. 14 A. Something to those -- 15 Q. Sure. 16 A. It meant the same. Those are not her 17 exact words, but that is the point she was 18 getting across. 19 Q. Sure. 20 A. And that she was going to -- she said, 21 I don't know why Juan doesn't just assign you to 22 Confidentials. That is what he should be doing. 23 He needs to just assign you to Confidentials. 24 He doesn't need anyone's permission, he</p>	<p style="text-align: right;">Page 147</p> <p>1 can't tell you. 2 Q. Sure. 3 A. But I do have subsequent conversations 4 with her. 5 Q. Okay. 6 A. She did tell us -- I'm sorry. In that 7 first meeting, she said -- we told her that we 8 were going back to patrol. She said, they can't 9 do that. 10 Q. Right. 11 A. You'll get killed. That's officer 12 safety. We have to address that immediately. 13 You cannot take officers from this, have their 14 identities compromised and then throw them back 15 to the wolves. That was in the very first 16 meeting. 17 Q. Sure. 18 A. She said we need to get this -- 19 Q. Okay. 20 A. You need to go back to the academy. I 21 do recall now that was said in the first 22 meeting. 23 Q. Sure. 24 A. Later on she reiterated that in another</p>
<p style="text-align: right;">Page 146</p> <p>1 doesn't even need the superintendent's. You 2 know, he should assign you to Confidentials. If 3 I were in IAD, that's exactly what I would do. 4 None of this -- if I were still there, none of 5 this would have happened. 6 Q. Sure. 7 A. And then she said, I need to have a 8 talk with him and he needs to start doing what 9 he's supposed to be doing. Go back to the 10 academy and we'll see what we can do to -- I'll 11 see what I can do to figure this out for you 12 guys. 13 Q. So at that point, it's your 14 understanding Skahill is directing you to go 15 back to the academy while she tries to figure 16 the situation out; is that fair to say? 17 A. That's fair. 18 Q. Okay. And do you have a subsequent 19 conversation with Tina Skahill where she has 20 figured it out or has any resolution for you? 21 A. There are -- as all of this is going on 22 for the next months, we have conversations with 23 Juan and Tina Skahill. Was it the next day, the 24 same day, two hours later, five hours later, I</p>	<p style="text-align: right;">Page 148</p> <p>1 conversation, we don't do our police officers 2 like that. 3 Q. Sure. 4 A. You know, when you do something like 5 this and you come forward, we want to encourage 6 that, not discourage it. We can't let that 7 happen. What does that say going forward to 8 other officers. We can't compromise that. 9 Q. Okay. Let me try to shortcut this. 10 You testified that at some point you're at the 11 academy and you don't physically move to 12 Inspections Division but you're put on 13 Inspections A&amp;A sheets, correct? 14 A. For part of the time. 15 Q. Okay. I'm trying to find out, how did 16 you learn that you were going put -- going to be 17 put on Inspections Division A&amp;A sheets and that 18 you were then going to be reassigned to the 19 Inspections Division? 20 A. From Chief Tina Skahill. 21 Q. Okay. 22 A. We were told at one point when we 23 reported to the academy one morning, we were 24 told by a Sergeant Steve, I don't -- something</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
149-152

<p style="text-align: right;">Page 149</p> <p>1 with a W, Wosniak (phonetic) or something along 2 those lines. 3 Q. Okay. 4 A. That we were not going to be reassigned 5 to the patrol for officer safety. 6 Q. Okay. 7 A. That Tina Skahill had called Howard 8 something Loading (phonetic) maybe -- 9 Q. Okay. 10 A. -- of the academy and said that it was 11 an officer safety concern and that he is not to 12 put us on the street because it would be 13 detrimental to us. 14 Q. Okay. 15 A. And she then -- the academy then, 16 because she was no longer with IAD, fell under 17 her rank. 18 Q. Yes. 19 A. So then she said that she would put us 20 in Inspection Division on -- we were being moved 21 to the Inspection Division on A&amp;As, but they 22 needed -- but we would report to the academy 23 until we went on furlough for some -- to sit in 24 on in-car camera training. Not that -- that we</p>	<p style="text-align: right;">Page 151</p> <p>1 A. We were borrowed again. 2 Q. And you actually had physically been at 3 126 and then -- for a few days, at least? 4 A. I believe so. 5 Q. And then Tina Skahill asked you to go 6 back to the academy to do this work? 7 A. That is -- 8 Q. Correct? 9 A. That is correct. 10 Q. And is it your understanding that Tina 11 Skahill was the one who made the decision to 12 move you to the Inspections Division? 13 A. Yes. Because she said we should be put 14 in Confidential but Juan wasn't doing that, so 15 this is what -- 16 Q. Okay. 17 A. -- she could do. 18 Q. Okay. Are you okay for a little while 19 longer? 20 A. I'm okay. That's what matters. 21 (Whereupon, a discussion was had 22 off the record.) 23 BY MR. KING: 24 Q. When you were told I guess by Tina</p>
<p style="text-align: right;">Page 150</p> <p>1 would be doing the training, not that we were 2 receiving the training. 3 Q. You were told by Tina Skahill that you 4 were first going to be put on Inspections -- 5 A. Yeah. 6 Q. -- A&amp;A sheets. And then before you 7 actually physically moved to Inspections, you 8 were to stay at the academy for a certain period 9 of time to do some in-car camera training; is 10 that fair? 11 A. No. Let me clarify just a little bit. 12 Q. Okay. 13 A. We were at the academy. At some point 14 while we were there, we went to Inspections for 15 a couple of days. 16 Q. Okay. 17 A. Okay. Maybe a week, two weeks, days. 18 At which point the academy then needed -- they 19 were short people to teach this class. 20 Q. Sure. 21 A. So I guess it would be fair to say we 22 were then on the A&amp;As at 126 and borrowed to the 23 academy. 24 Q. Okay.</p>	<p style="text-align: right;">Page 152</p> <p>1 Skahill that you were going to be moved over to 2 Inspections, did she tell you what you were 3 going to be doing at Inspections or why you were 4 being moved there? 5 A. For officer safety. 6 Q. Okay. 7 A. As we couldn't be just thrown back out 8 there like that. 9 Q. Okay. Did you have an understanding 10 that -- were you still working on the Watts 11 investigation at that point? 12 A. No. 13 Q. It had kind of ended? 14 A. It -- yes. But it had ended at the 15 time for reasons unbeknownst to us beyond the 16 misunderstanding, we later found out there was a 17 bigger situation with it. 18 Q. We'll probably come back to that. 19 A. You ain't going to want to. 20 Q. No, I will. 21 So you went to Inspections ultimately 22 and you were working for Lieutenant Pascua, 23 correct? 24 A. Yes, that's correct.</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
153-156

<p style="text-align: right;">Page 153</p> <p>1 Q. Okay. When you were there for a few 2 days and then went back to the academy those few 3 days, were you interacting with Lieutenant 4 Pascua? 5 A. Minimum. 6 Q. Okay. Let's go to Paragraph 56 of the 7 Amended Complaint of Deposition Exhibit No. 1. 8 You indicate that you and your partner 9 were detailed to 126 Inspections until March, 10 2012. Do you know when you were first referred 11 to or detailed to Inspections? 12 I'll tell you, our records indicate it 13 was in May of 2011. So you would have been in 14 Inspections from some point in May, 2011 until 15 March, 2012. Does that sound correct? 16 A. I was going to guess the end of May or 17 beginning of June. I thought it was right 18 around Memorial Day. 19 Q. Okay. 20 A. Was that about right when you guys have 21 it? 22 Q. I think that's right. 23 A. That was going to be my guess. 24 Q. Okay. So you allege -- well, strike</p>	<p style="text-align: right;">Page 155</p> <p>1 Inspections Division, correct? 2 A. That's a guestimation. 3 Q. Okay. Obviously you allege that in 4 Paragraph 56 that you were subjected to 5 harassment and hostility from Lieutenant Pascua. 6 In Paragraph 37 you alleged that she called you, 7 rat, I guess, motherfuckers, didn't want you in 8 the unit. 9 That allegation in Paragraph 57, was 10 that her allegedly referring to you as that, was 11 that the first thing that happened that you 12 consider harassment or retaliation by Lieutenant 13 Pascua? 14 A. No. 15 Q. Okay. What was the first thing that 16 you consider retaliation by Lieutenant Pascua? 17 A. I think -- I think that the first 18 retaliation, I wasn't even there for. 19 Q. Okay. 20 A. It was witnessed by my partner, which 21 was indirectly Lieutenant -- it was Lieutenant 22 Pascua but -- and a Sergeant Jan Barney. 23 Q. What was that incident? 24 A. It was where they -- Jan Barney was the</p>
<p style="text-align: right;">Page 154</p> <p>1 that. 2 For part of the time you were in 3 Inspections you were, for lack of a better term, 4 reporting to Lieutenant Pascua and then that 5 changed at some point and you were reporting to 6 Lieutenant Sadowski, correct? 7 A. Yes. 8 Q. Do you recall how long you were 9 reporting to Lieutenant Sadowski? 10 A. We were there until March. I would say 11 the greater portion of it or at least half of 12 the time. 13 Q. At least half of the time you think you 14 were reporting to Lieutenant Sadowski? 15 A. I think -- I think. 16 Q. Okay. 17 A. Reporting is a vague term. 18 Q. Sure, okay. But at some point you were 19 told either your reporting or your working 20 relationship was moving from Pascua to Sadowski, 21 correct? 22 A. Correct. 23 Q. Okay. And you think that was 24 approximately half way through your time in the</p>	<p style="text-align: right;">Page 156</p> <p>1 one talking but stated that they knew that the 2 only way -- the reason I was in Narcotics is 3 blonde hair blue eyed female, I fucked my way in 4 there. 5 Q. And Officer Echeverria told you that he 6 had heard that being said? 7 A. Yeah. They said it to him. That Jan 8 Barney was doing the talking. 9 Q. Okay. 10 A. And he responded. 11 Q. And what did he say? 12 A. You don't got to be jealous, they sell 13 blond wigs. Because he tried to make light of 14 the subject. 15 Q. Okay. Sure. Was there anything more 16 to that incident that you consider either 17 harassment or retaliation by Lieutenant Pascua? 18 A. Not to that incident. 19 Q. Okay. What was the next incident that 20 you would consider retaliation by Lieutenant 21 Pascua? 22 A. We were put in desks and not given any 23 assignments. Just empty cubicles. Just like an 24 empty wall cubical with no computer, no</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
157-160

<p style="text-align: right;">Page 157</p> <p>1 anything, to sit there and do nothing. And I</p> <p>2 mean absolutely just sit there, okay.</p> <p>3 Q. Okay.</p> <p>4 A. And I was --</p> <p>5 Q. Lieutenant Pascua would tell you to sit</p> <p>6 there?</p> <p>7 A. Well, she was our person we reported to</p> <p>8 so yeah.</p> <p>9 Q. She wasn't giving you any assignments</p> <p>10 to do?</p> <p>11 A. None, nothing, zero.</p> <p>12 Q. Okay.</p> <p>13 A. And then --</p> <p>14 Q. Let me just stop you now. Did you have</p> <p>15 an understanding when you started in Inspections</p> <p>16 of what your job duties or responsibilities</p> <p>17 would be working in Inspections?</p> <p>18 A. Well, I figured work. I would do some</p> <p>19 type of work.</p> <p>20 Q. My question is did you have an</p> <p>21 understanding of what kind of work that would be</p> <p>22 that you'd be doing in Inspections?</p> <p>23 A. I understood that Inspection did</p> <p>24 investigations into -- like audits into</p>	<p style="text-align: right;">Page 159</p> <p>1 of work you would be doing in Inspections?</p> <p>2 A. No.</p> <p>3 Q. Okay. Did you or Officer Echeverria at</p> <p>4 some point when you were detailed to</p> <p>5 Inspections, do any auditing work, sitting in</p> <p>6 the office, going through records, that sort of</p> <p>7 auditing work? Did you do that?</p> <p>8 A. One time.</p> <p>9 Q. One time?</p> <p>10 A. We were given one assignment.</p> <p>11 Q. Okay. And were you given that</p> <p>12 assignment by Lieutenant Pascua?</p> <p>13 A. I remember working with a Sergeant John</p> <p>14 Stahl on it. And he's the one that gave it to</p> <p>15 me, so I don't know where ultimately it came</p> <p>16 from, whether it was Sadowski or Pascua. It was</p> <p>17 all lieutenants and then Sergeant John Stahl.</p> <p>18 So I recall working with him, I don't recall who</p> <p>19 it was for.</p> <p>20 Q. Okay. And did you do any of the what</p> <p>21 you believed that Inspections also did field</p> <p>22 work. Were you asked to do any field work while</p> <p>23 you were in Inspections?</p> <p>24 A. One time I went with for -- both Danny</p>
<p style="text-align: right;">Page 158</p> <p>1 overtime. Not criminal stuff but like</p> <p>2 infractions or --</p> <p>3 Q. Sure.</p> <p>4 A. You don't have plates or something,</p> <p>5 officers don't.</p> <p>6 Q. You do a lot of -- you do auditing,</p> <p>7 right?</p> <p>8 A. I do?</p> <p>9 Q. In Inspections.</p> <p>10 A. In Inspections, they do, yes.</p> <p>11 Q. Okay.</p> <p>12 A. Like into investigations that needed</p> <p>13 auditing. Like there may be some overtime fraud</p> <p>14 here, so they have to look for that.</p> <p>15 Q. Sure.</p> <p>16 A. But they also do the field work where</p> <p>17 they go out and look for infractions. And I</p> <p>18 just understood that that was the work that they</p> <p>19 did.</p> <p>20 Q. Okay.</p> <p>21 A. And, again, no understanding through</p> <p>22 any of this time what was going on and what I</p> <p>23 would be doing.</p> <p>24 Q. Nobody told you at any point what kind</p>	<p style="text-align: right;">Page 160</p> <p>1 and I went with to a fire drill at one district.</p> <p>2 I don't recall.</p> <p>3 Q. Okay.</p> <p>4 A. That was about an hour in the morning.</p> <p>5 And another occasion I went to -- they had me go</p> <p>6 to the Organized Crime building --</p> <p>7 Q. Okay.</p> <p>8 A. -- to -- for some -- for some equipment</p> <p>9 inventory from a TRU Unit -- the TRU Unit that</p> <p>10 had disbanded. And there were something -- it</p> <p>11 was something involved with the TRU Unit. I</p> <p>12 know that it was another location. It might</p> <p>13 have been the old 7th District, I don't know.</p> <p>14 Q. Okay.</p> <p>15 A. Again, in almost a year, that was it.</p> <p>16 Q. Okay.</p> <p>17 A. That I can recall.</p> <p>18 Q. Okay. And during that time when you</p> <p>19 were detailed to Inspections, you started</p> <p>20 working on the Watts investigation again,</p> <p>21 correct?</p> <p>22 A. In October.</p> <p>23 Q. In October of what?</p> <p>24 A. Of twenty -- we were there until March</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
161-164

<p style="text-align: right;">Page 161</p> <p>1 of 2012. Is that what we said?</p> <p>2 Q. Yes.</p> <p>3 A. Then it was October, 2011.</p> <p>4 Q. Okay. And once you started working on</p> <p>5 the Watts investigation again in October, 2011,</p> <p>6 would you say for the remainder of the time that</p> <p>7 you were detailed to Inspections, at least on</p> <p>8 paper, you were spending most of your time</p> <p>9 working on the Watts investigation?</p> <p>10 A. No.</p> <p>11 Q. Okay.</p> <p>12 A. That's not accurate.</p> <p>13 Q. Okay. How much of your time was spent</p> <p>14 on Watts and how much of your time was being</p> <p>15 over at Inspections?</p> <p>16 A. From October until maybe the beginning</p> <p>17 of December, it was divided.</p> <p>18 Q. Okay.</p> <p>19 A. Then we were the -- I believe -- or</p> <p>20 maybe until -- yeah, somewhere around December</p> <p>21 maybe. And then the Operation Brass Tax</p> <p>22 concluded I think in the beginning of February</p> <p>23 and then we were back to sitting at the desk.</p> <p>24 Q. Okay. During the period when you were</p>	<p style="text-align: right;">Page 163</p> <p>1 were going to work on the Watts investigation,</p> <p>2 you just go work on the Watts investigation, you</p> <p>3 wouldn't tell Lieutenant Pascua, hey, we're not</p> <p>4 coming in today, we're going to be working on</p> <p>5 Watts; is that correct?</p> <p>6 A. That was confusing in the beginning.</p> <p>7 Because Juan Rivera, on the day that he had</p> <p>8 contacted -- I'm going to tell you. On the day</p> <p>9 that the investigation was reinitiated --</p> <p>10 Q. Yes.</p> <p>11 A. -- he directly called me and said,</p> <p>12 effective tomorrow, I want you to report at 0900</p> <p>13 to the FBI building. You are going to brief the</p> <p>14 FBI agents about the case for the last several</p> <p>15 years and bring them up to speed.</p> <p>16 Q. Okay.</p> <p>17 A. And then I specifically asked Juan</p> <p>18 Rivera, will you be notifying the personnel over</p> <p>19 here? Because by this time --</p> <p>20 Q. Okay.</p> <p>21 A. -- they were gone for the day. So who</p> <p>22 was going to notify them? Do I go directly</p> <p>23 there? And he said, I am the chief. If I tell</p> <p>24 you and give you a direct order, that is not for</p>
<p style="text-align: right;">Page 162</p> <p>1 at -- when you started working on the Watts</p> <p>2 investigation again when you were in</p> <p>3 Inspections, do you think you were still under</p> <p>4 Lieutenant Pascua when that started up again or</p> <p>5 were you under Lieutenant Sadowski?</p> <p>6 A. I believe it was Sadowski at that</p> <p>7 point.</p> <p>8 Q. Okay.</p> <p>9 A. Somewhere in that -- during that time</p> <p>10 it shifted, right around that time maybe.</p> <p>11 Q. Okay. And on days that you were going</p> <p>12 to spend not at Inspections but working on the</p> <p>13 Watts investigation, were you supposed to tell</p> <p>14 anyone in Inspections where you were going, what</p> <p>15 you were going to be working on?</p> <p>16 A. No. We had -- again, we were under</p> <p>17 Juan Rivera because he is -- they shifted</p> <p>18 everything and now Inspection fell under Juan</p> <p>19 Rivera. They shifted it.</p> <p>20 Q. Okay.</p> <p>21 A. And he instructed us that we only</p> <p>22 report directly to him.</p> <p>23 Q. Okay. So if you were still reporting</p> <p>24 to Lieutenant Pascua and on a particular day you</p>	<p style="text-align: right;">Page 164</p> <p>1 you to worry about.</p> <p>2 Q. Okay. I'm not talking specifically</p> <p>3 about the first day you go to the FBI and brief</p> <p>4 them. My question is while you were working in</p> <p>5 Inspections under Lieutenant Pascua and the</p> <p>6 Watts investigation had started up again, you</p> <p>7 testified you spent some of your time on Watts,</p> <p>8 some of your time in Inspections.</p> <p>9 My question is on the days that you</p> <p>10 were going to work on Watts, did you tell</p> <p>11 Lieutenant Pascua what you were doing or did you</p> <p>12 just go work on Watts?</p> <p>13 A. No. I did not just go work on Watts.</p> <p>14 Whoever I was working under, was notified that</p> <p>15 we would be working on Watts, whether that was</p> <p>16 Pascua or Sadowski, and I don't recall which one</p> <p>17 it was at the time.</p> <p>18 Q. Okay.</p> <p>19 A. And the communication was usually done</p> <p>20 through Officer Echeverria.</p> <p>21 Q. Okay. Are you aware of either yourself</p> <p>22 or Officer Echeverria ever telling Lieutenant</p> <p>23 Pascua personally, we are not coming into</p> <p>24 Inspections, we're working on Watts? Are you</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
165-168

<p style="text-align: right;">Page 165</p> <p>1 aware of that ever happening?</p> <p>2 A. No.</p> <p>3 Q. Okay. Similarly, are you aware of</p> <p>4 either yourself or Officer Echeverria ever</p> <p>5 telling Lieutenant Sadowski in those situations</p> <p>6 that you were not coming in to Inspections, you</p> <p>7 were going to be off working on Watts?</p> <p>8 A. I recall that when we were told that we</p> <p>9 would be needed to work on Operation Brass Tax,</p> <p>10 that we would inform them that that was going to</p> <p>11 happen. Like on these days, we are going to be</p> <p>12 working on those -- like this week, we'll be</p> <p>13 working on this day, this day and this day prior</p> <p>14 to it happening.</p> <p>15 MR. KING: Okay. Can you read back my</p> <p>16 question?</p> <p>17 (Whereupon, the record was read</p> <p>18 as requested.)</p> <p>19 THE WITNESS: Yes, they were told when</p> <p>20 we would be working on the Watts case.</p> <p>21 BY MR. KING:</p> <p>22 Q. I'm asking about Lieutenant Sadowski.</p> <p>23 You or Officer Echeverria would tell him?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 167</p> <p>1 A. Well, I was escorted to the bathroom</p> <p>2 either by her or Jan Barney every time I would</p> <p>3 get up to use the bathroom. There are cubicles</p> <p>4 in close proximity also and I had to sit right</p> <p>5 there in earshot of her saying comments about me</p> <p>6 as if I'm not there to the other command staff.</p> <p>7 Like I'm an attorney, I know how to put a case</p> <p>8 on a motherfucker and things like that, you</p> <p>9 know. And -- Narcotics officers.</p> <p>10 So we're the only Narcotics officers up</p> <p>11 there, obviously it's referring to myself and my</p> <p>12 partner.</p> <p>13 Q. Let me back up just to maybe move this</p> <p>14 along. Paragraph 57, you allege that Lieutenant</p> <p>15 Pascua called the Plaintiffs rat motherfuckers</p> <p>16 and told them that she did not want them in the</p> <p>17 unit.</p> <p>18 Is that what you just testified to at</p> <p>19 the cubical or when did this occur?</p> <p>20 A. That incident occurred after a meeting,</p> <p>21 a meeting within the unit that was prompted by</p> <p>22 Danny and I going to Commander Adrienne Stanley</p> <p>23 to report the harassment of retaliation of</p> <p>24 Pascua against us.</p>
<p style="text-align: right;">Page 166</p> <p>1 Q. Okay. He had started talking about</p> <p>2 some incidents you felt was retaliation from</p> <p>3 Lieutenant Pascua. Other than what you've</p> <p>4 testified to already, what was the next</p> <p>5 incident, if any?</p> <p>6 A. In the empty cubical that I was sitting</p> <p>7 in, she came up to the corner of it. You know</p> <p>8 how the cubical comes to the corner, and she</p> <p>9 stood over it and she told me, if you want to</p> <p>10 work with Juan Rivera and the rest of those</p> <p>11 fucking rats, you should be sitting across the</p> <p>12 hall. I don't want you over here in this</p> <p>13 fucking unit. Words to that effect.</p> <p>14 Q. Was anyone else present?</p> <p>15 A. No.</p> <p>16 Q. Okay. Do you recall anything else she</p> <p>17 said or you said in that incident?</p> <p>18 A. Not in that incident I didn't -- no.</p> <p>19 Q. Okay. So she said that and you just</p> <p>20 didn't respond?</p> <p>21 A. No.</p> <p>22 Q. Okay. What was the next incident, if</p> <p>23 any, where you felt that Lieutenant Pascua was</p> <p>24 retaliating or harassing you?</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. Okay. So before -- well, let me ask</p> <p>2 you this. Strike that.</p> <p>3 With respect to the allegation in</p> <p>4 Paragraph 57 of her calling you rat</p> <p>5 motherfuckers, did you hear that directly or how</p> <p>6 did you learn about that?</p> <p>7 A. I was sitting in the cubical and she</p> <p>8 said it as she walked by going to her desk.</p> <p>9 Q. Tell me exactly what you recall her</p> <p>10 saying.</p> <p>11 A. Are you talking -- you're talking</p> <p>12 about --</p> <p>13 Q. Paragraph 57.</p> <p>14 A. 57.</p> <p>15 Q. Is it your testimony that you heard her</p> <p>16 saying that as she was walking by?</p> <p>17 A. Yes, she did say that when she was</p> <p>18 walking by.</p> <p>19 Q. Okay. What exactly did you hear her</p> <p>20 say?</p> <p>21 A. That -- just that, that we were rat</p> <p>22 motherfuckers and she didn't want us in the</p> <p>23 unit.</p> <p>24 Q. Okay. Did she say --</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
169-172

<p style="text-align: right;">Page 169</p> <p>1 A. Are you talking --</p> <p>2 Q. Did she say Spalding and Echeverria,</p> <p>3 did she --</p> <p>4 A. Narcotics officers.</p> <p>5 Q. -- just say rat motherfuckers? What</p> <p>6 did she say?</p> <p>7 A. She said, I don't want those rat</p> <p>8 motherfuckers in the unit. And then she further</p> <p>9 stated, I'm an attorney, I know how to put a</p> <p>10 case on those Narcotics officers. I know how to</p> <p>11 build a case, not put a case on. I know how to</p> <p>12 build a case on those Narcotics officers.</p> <p>13 Q. Okay.</p> <p>14 A. And that comment was made on several</p> <p>15 occasions.</p> <p>16 Q. Okay. But on the one occasion we're</p> <p>17 talking about, you're saying she made both the</p> <p>18 rat motherfuckers reference and said something</p> <p>19 about building a case; is that correct?</p> <p>20 A. Yes. But that building a case was said</p> <p>21 a couple times.</p> <p>22 Q. Okay. On this same time when she</p> <p>23 walked passed -- strike that.</p> <p>24 On this occasion where she walked</p>	<p style="text-align: right;">Page 171</p> <p>1 A. No. This one is the -- this one is</p> <p>2 when we came out of the meeting with the team</p> <p>3 after we went to the commander.</p> <p>4 Q. Okay. Let's talk about when you went</p> <p>5 to the commander. That was you and --</p> <p>6 A. Officer Echeverria.</p> <p>7 Q. -- and Commander Stanley?</p> <p>8 A. Yes.</p> <p>9 Q. And before we get to that, when you</p> <p>10 first moved over to Inspections, Commander</p> <p>11 Stanley was out on medical leave, correct?</p> <p>12 A. Yes, that's correct. She was gone.</p> <p>13 Q. Do you recall approximately how long</p> <p>14 you were in Inspections before she returned from</p> <p>15 medical leave?</p> <p>16 A. No. But I do know that it was -- she</p> <p>17 was back before October --</p> <p>18 Q. Okay.</p> <p>19 A. -- of 2011, because she was there for</p> <p>20 when we started that FBI case again. And I</p> <p>21 think she had been back for a little while</p> <p>22 before that. So maybe a month or so maybe.</p> <p>23 Q. Okay. When do you recall going to</p> <p>24 Commander Stanley to complain about anything?</p>
<p style="text-align: right;">Page 170</p> <p>1 passed and you heard her make reference to the,</p> <p>2 I'm a lawyer, I know how to put on a case, was</p> <p>3 that the first time that she said something</p> <p>4 along those lines and then there were subsequent</p> <p>5 times where she said something about being a</p> <p>6 lawyer and knowing how to put on a case?</p> <p>7 A. Yes. And the correct word was build a</p> <p>8 case. She didn't say put on a case.</p> <p>9 Q. I'm sorry.</p> <p>10 A. I don't want to confuse that, because</p> <p>11 that's a pretty different meaning.</p> <p>12 Q. My question is was that the first</p> <p>13 time --</p> <p>14 A. That I --</p> <p>15 Q. -- when she walked by your cubical that</p> <p>16 you ever heard her make reference to building a</p> <p>17 case?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. You indicated that -- well,</p> <p>20 strike that.</p> <p>21 Directing your attention to</p> <p>22 Paragraph 60 of the Amended Complaint. Is that</p> <p>23 a reference to that same incident where she</p> <p>24 walked by your cubical?</p>	<p style="text-align: right;">Page 172</p> <p>1 A. Well, it would have to be in August or</p> <p>2 September of 2011, if she was back at that time.</p> <p>3 And that was prompted by Lieutenant Sadowski</p> <p>4 stating that we should address the issue of the</p> <p>5 harassment and retaliation from Lieutenant</p> <p>6 Pascua with Adrienne Stanley. He approached us</p> <p>7 and said, I've witnessed it and it's going to</p> <p>8 continue. I see what she does. And I said,</p> <p>9 well, why don't you talk to Adrienne Stanley?</p> <p>10 He said, you need to go and address that issue</p> <p>11 with her.</p> <p>12 Q. Okay. Let's talk now about that</p> <p>13 conversation with Lieutenant Sadowski. Is that</p> <p>14 a conversation that you and he had or is it the</p> <p>15 three of you, you and Echeverria?</p> <p>16 A. The three of us.</p> <p>17 Q. Okay. And where does this conversation</p> <p>18 take place?</p> <p>19 A. In front of his desk in Unit 126.</p> <p>20 Q. And what's your best recollection of</p> <p>21 everything Lieutenant Sadowski says and</p> <p>22 everything that the two of you say in that</p> <p>23 conversation?</p> <p>24 A. In that morning, we would come in</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
173-176

<p style="text-align: right;">Page 173</p> <p>1 earlier than everyone else and of course we 2 would, you know, say good morning to him and he 3 would be at his desk. And he said that he, you 4 know, was aware of, you know, what's going on 5 and that he witnesses it. He knows I was very 6 distraught going there and I was -- it was very 7 difficult and it was very apparent. It was a 8 very hostile work environment and these are open 9 cubicles. So he's aware of it. He told me 10 that. 11 Q. Okay. 12 A. He said, so the only way it will stop 13 is you need to go report that to the commander. 14 Q. Okay. 15 A. And he said, I've witnessed it but it 16 won't stop. 17 Q. Okay. Do you recall you or Officer 18 Echeverria saying anything else or Lieutenant 19 Sadowski saying anything else? 20 A. I recall I asked him since he's a 21 lieutenant, why couldn't he initiate a CR number 22 or talk to the commander about it. 23 Q. Okay. 24 A. And he said, no, no, it's got to come</p>	<p style="text-align: right;">Page 175</p> <p>1 you know, that we are being harassed by 2 Deborah Pascua and that it's a hostile work 3 environment and this is, you know, negatively 4 affecting us and we want -- and we were 5 requesting her to initiate a CR number. And 6 Adrienne Stanley stated -- you know, and to 7 investigate what we were saying. She said, I'm 8 not trying to hear that, I don't want to hear 9 any of this. I don't want to know. 10 And Danny said, whether you want to 11 know or not, you're our commander and we are 12 requesting you to take action on this. And she 13 said, I refuse. You will never get a CR number 14 from me on one of my own. If you want that, and 15 she points over to the IAD side, because it's 16 one side and the other side, you go over there 17 with Juan and those people and maybe they'll 18 give you a fucking CR -- I'm sorry, she didn't 19 swear. 20 Q. Okay. 21 A. They'll give you a CR number. 22 Q. Okay. Do you recall anything else 23 being said in that meeting? 24 A. She said, we're done, I don't want to</p>
<p style="text-align: right;">Page 174</p> <p>1 from you guys. Which I don't understand, but we 2 followed his advice. 3 Q. Okay. So you then go -- I'm sorry. Is 4 there anything else you recall being discussed 5 in that conversation? 6 A. No, just that we would go see the 7 commander then. 8 Q. Okay. And the two of you then did go 9 see the commander? 10 A. Yes, we did. 11 Q. Okay. And was that a meeting in the 12 commander's office? 13 A. Yes. 14 Q. And the commander and you and Officer 15 Echeverria were present, correct? 16 A. Yes. 17 Q. Okay. And was it that same day as the 18 conversation with Sadowski or shortly after? 19 A. Shortly after. 20 Q. Okay. What do you recall being said in 21 that meeting? 22 A. I know that we walked in and we told 23 her that we wanted to talk to her and address 24 some issues. And Danny had started saying that,</p>	<p style="text-align: right;">Page 176</p> <p>1 hear any more. And we left. 2 Q. Okay. And at some point after that 3 meeting, your assignment was essentially changed 4 from Lieutenant Pascua to Lieutenant Sadowski, 5 correct? 6 A. Yeah. 7 Q. Okay. And to the best of your 8 knowledge, a commander would have made that 9 decision, Commander Stanley, correct? 10 A. Yeah, I -- 11 Q. If you know. 12 A. I don't know who made it. 13 Q. Okay. Other than what you've already 14 testified to, was there anything else that 15 happened that you believe was retaliation or 16 harassment by Lieutenant Pascua? 17 A. Yes. Things got so bad in Unit 126. 18 The commander's office is in the middle and 19 there's cubicles here and cubicles on the other 20 side, just a couple. But Deborah Pascua sits 21 here and my cubical is right here. 22 Q. Right. 23 A. So I'm in earshot of hearing this all 24 the time. So I move to the other side in the</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014

177-180

<p style="text-align: right;">Page 177</p> <p>1 back of a vacant desk. There's two desks here, 2 two desks here, two desks here. 3 Q. Sure. 4 A. These people -- it was a Sandra, I 5 don't remember her last -- Espinoza, Aileen 6 Robinson, they worked for a different 7 department, and then a vacant desk. So I just 8 became -- I was so distraught, I would just come 9 in and sit there. After a few days of that, you 10 know, I began talking to Aileen Robinson and, 11 you know, like good morning, how are you. And, 12 you know, just average small talk that should 13 happen in an office environment. 14 Q. Sure. 15 A. Well, that didn't last too long because 16 a brief time later, a week, two weeks, something 17 like that, when I came in in the morning because 18 we come in before most everyone, Aileen 19 approached me, Robinson, A-I-L-E-E-N, Robinson. 20 And she said, I just want you to know that when 21 you left yesterday, officer George Flores 22 approached me and the women over here are my 23 coworkers and told us that we should not be 24 talking to you, that you are IAD rats, you are</p>	<p style="text-align: right;">Page 179</p> <p>1 don't know her last name. She was Commander 2 Stanley's secretary. She had mentioned in front 3 of Danny and I she had said that she knows that 4 I have a hard time up there and the treatment 5 that I'm getting and how bad it is for me and 6 that she sees it, as well. 7 And it was a conversation that I left 8 crying from because I was hearing all the -- 9 again, you know, I sit at a desk and I don't 10 even talk to anyone and this is just continuing. 11 And you go and you're subjected to that all day 12 long, it's just very difficult. 13 Q. Okay. 14 A. And it doesn't take much. But if you 15 say -- and in Unit 126, there's under 20 people. 16 So if you say a few negative things, we're 17 not -- we're -- 18 Q. Do you recall that secretary Jo saying 19 anything else to you in that incident? 20 A. It wasn't a real short conversation, it 21 just went into how bad things were for me there 22 and that, you know, she felt really bad for me 23 and then she retired. 24 Q. Okay. Other than what you've testified</p>
<p style="text-align: right;">Page 178</p> <p>1 here to fuck us over, you're here to put it -- 2 develop cases against us, don't talk to us, 3 ignore, ignore us, you know. And he said, I 4 know this to be a fact because Lieutenant Pascua 5 told me herself. 6 Q. So Aileen Robinson is telling you about 7 something that George Flores told her and George 8 Flores allegedly told her that Lieutenant 9 Pascua -- 10 A. It's coming from Lieutenant Pascua. 11 Q. Okay. 12 A. And Lieutenant Pascua and George Flores 13 are very close friends. 14 Q. Okay. 15 A. And she just said, I'm just telling you 16 this because I think you should know what's 17 going on behind your back. 18 Q. Okay. Other than that incident, is 19 there anything else that happened that you 20 believe was harassment or retaliation by 21 Lieutenant Pascua, other than what you've 22 already testified to? 23 A. There was one time that a secretary who 24 retired from there, her name was Jo, J-O, I</p>	<p style="text-align: right;">Page 180</p> <p>1 to, was there anything else that -- any other 2 incidents where you believe were evidence of 3 Lieutenant Pascua retaliating against you or 4 harassing you? 5 A. Yes, there is one more incident that is 6 pretty important. 7 Q. Okay. 8 A. The first day that I had to go brief at 9 the FBI under the direct order of Juan Rivera, 10 and he told me it's directly under my command, 11 you are to go there. I was harassed so bad and 12 they would follow me to the bathroom, they were 13 just doing everything. I remember the Jill 14 Stevens incident, and I just didn't trust the 15 communication gap. So even though I didn't have 16 to go into Unit 126, I went in before. 17 There was a sign-in sheet and I signed 18 in. Lieutenant Pascua was there. I walked up 19 to her and said, I don't know if you have been 20 informed by Chief Rivera. I want to make sure 21 everyone here is aware, there's no 22 miscommunication. I've been given a direct 23 order by Chief Rivera to go and report to the 24 FBI building today and that is where I'm going</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
181-184

<p style="text-align: right;">Page 181</p> <p>1 to be working. Nobody was in yet. She was the 2 only -- she's the lieutenant. 3 Q. Okay. 4 A. Please make sure that if any further 5 notification is -- or the commander has been 6 notified, if she has any questions, to call Juan 7 Rivera. 8 Well, when I'm in that meeting, and I 9 went with Sergeant Tom Chester -- 10 Q. Okay, all right. I'm confused. You 11 signed in at Inspections and saw Lieutenant 12 Pascua before you went -- 13 A. And I didn't have to do that. 14 Q. -- before you went to the meeting at 15 the FBI? 16 A. Yes. 17 Q. And when you told her what you were 18 doing and that this was per Chief Rivera, did 19 Lieutenant Pascua say anything to you at that 20 point in time? 21 A. Fine. 22 Q. Fine, okay. 23 A. And I said, please make sure that the 24 commander is informed when she comes in in case</p>	<p style="text-align: right;">Page 183</p> <p>1 report back here to Unit 126. This is not how 2 we do things. It's not the wild west, a rogue 3 police officer, you just do whatever the hell 4 you want. I've already talked to Eddie Walsh 5 about getting you thrown out of here, getting 6 you dumped out of this unit. Who gave you 7 permission to go over there? And I explained to 8 her that it was a direct order from the chief, I 9 even came in. And she said, that's not how we 10 do things here. I don't know what I'm supposed 11 to do. 12 Q. Sure. 13 A. It's before anyone else is in. She's 14 screaming at me so bad that I hand my phone to 15 Tom Chester and I said, you're a white shirt, 16 I'm following your direct orders, I want you to 17 handle this. 18 Q. Okay. 19 A. He walked out of the conference room, 20 had a conversation with her. And then 21 afterwards, I said, you're going to go back up 22 there with me and we're going to straighten this 23 out. And she said that Deborah Pascua while on 24 the phone -- I said, I notified Lieutenant</p>
<p style="text-align: right;">Page 182</p> <p>1 Juan Rivera did not -- it was a precaution on my 2 end I did not need to take. I did not have to 3 do that. In case Chief Rivera -- 4 Q. Okay. 5 A. -- did not get ahold of her, I knew 6 that they would be like where the hell is she, 7 who gave you permission or whatever. I came in 8 early -- 9 Q. Sure, I understand. 10 A. -- and went there first and then went 11 to the FBI building. While I was there, I was 12 with -- I was sitting here, Tom Chester was 13 sitting here. We both reported as we were 14 directed to. 15 Q. Yes. 16 A. My phone keeps buzzing, buzzing, 17 buzzing. I finally look at it and it's the 18 commander. And I pick it up and she is 19 absolutely livid and screaming at me. 20 Q. This is Commander Stanley? 21 A. Yes. 22 Q. And what did Commander Stanley say to 23 you on the phone? 24 A. She said, Officer Spalding, you are to</p>	<p style="text-align: right;">Page 184</p> <p>1 Pascua. And she said, Lieutenant Pascua said 2 you just came in here for a brief minute and you 3 told her you were just going out. Like she 4 didn't accurately repeat that I had a direct 5 order. She made it -- from that phone call, it 6 was not correctly relayed. It was relayed in a 7 negative manner to the point -- 8 Q. It's your impression from the phone 9 call with Commander Stanley that she did not 10 know that you had received an order from Chief 11 Rivera to report to the FBI, is that fair? 12 A. Well, that -- maybe that she did not 13 receive the order for it or that even if I did, 14 that I was supposed to clear it with someone in 15 126, which I did. I took extra precautions to 16 do that. 17 Q. I understand. 18 A. So I don't know what else I could have 19 done. 20 Q. Okay. 21 A. So whether she was informed or not, I 22 cannot say. 23 Q. Okay. 24 A. But I know that she was angry that I</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
185-188

<p style="text-align: right;">Page 185</p> <p>1 didn't receive permission. And I did notify --</p> <p>2 Q. Lieutenant Pascua?</p> <p>3 A. -- Lieutenant Pascua.</p> <p>4 Q. Okay. I know you said there was one</p> <p>5 more incident. Was that the only -- other than</p> <p>6 what you've already testified to, was there any</p> <p>7 other incident where you believe Lieutenant</p> <p>8 Pascua retaliated or harassed you?</p> <p>9 A. Not that I can recall at this time.</p> <p>10 Q. Okay. Are you also claiming that</p> <p>11 Commander Stanley engaged in some retaliation</p> <p>12 against you?</p> <p>13 A. Yes.</p> <p>14 Q. What's the basis of that allegation?</p> <p>15 A. Well, the first time would be to fail</p> <p>16 to initiate a CR investigation when I tell you</p> <p>17 that I'm being harassed and retaliated against.</p> <p>18 Q. Okay.</p> <p>19 A. Failing to take action and telling me</p> <p>20 you don't want to hear about that, allowing it</p> <p>21 to continue, basically. To a certain extent,</p> <p>22 I'm entitled to a CR number.</p> <p>23 Q. Okay. Other than Commander Stanley not</p> <p>24 acting on a CR number, is there anything else</p>	<p style="text-align: right;">Page 187</p> <p>1 Juan Rivera said. That is what she said in a</p> <p>2 hostile manner.</p> <p>3 Q. Okay. Commander Stanley said that</p> <p>4 after or before you passed the phone to Tom</p> <p>5 Chester, if you can recall?</p> <p>6 A. See, I don't recall if it was after or</p> <p>7 before.</p> <p>8 Q. Okay.</p> <p>9 A. But I thought it was after.</p> <p>10 Q. All right. You also testified when you</p> <p>11 returned to Inspection, she was hostile. Can</p> <p>12 you explain that?</p> <p>13 A. She was very angry and -- yes. She was</p> <p>14 very angry. The way you talk to someone. I</p> <p>15 mean, Tom Chester said to me, I do not want to</p> <p>16 go up there and deal with this, I don't want to</p> <p>17 get involved. I said, that's too bad. Because</p> <p>18 as, you know -- he did. He said, oh, but I</p> <p>19 don't want to because of how irate she was.</p> <p>20 Q. So Tom Chester went with you back to</p> <p>21 the unit, right?</p> <p>22 A. He said, first we're going to stop --</p> <p>23 first, we're going to go over to Juan Rivera's</p> <p>24 office and let him know about what is going on.</p>
<p style="text-align: right;">Page 186</p> <p>1 that you're alleging was a retaliation by</p> <p>2 Commander Stanley?</p> <p>3 A. Well, hostile I would say is that phone</p> <p>4 call. Even if you thought that I failed to</p> <p>5 report to someone, you don't call screaming and</p> <p>6 swearing at an officer like that that's -- you</p> <p>7 know, like that. Even after the circumstances</p> <p>8 were explained, she was very hostile towards me</p> <p>9 and I'm put in a catch-22.</p> <p>10 Q. You say after the circumstances were</p> <p>11 explained. Are you saying she was hostile to</p> <p>12 you on the telephone after the circumstances</p> <p>13 were explained to her?</p> <p>14 A. Yes. And after I returned to the unit,</p> <p>15 as well.</p> <p>16 Q. Okay. What -- you said you passed the</p> <p>17 phone to Tom Chester, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. After Tom -- it's your testimony</p> <p>20 Tom Chester gives you the phone back and</p> <p>21 Commander Stanley is hostile to you, is that</p> <p>22 your testimony?</p> <p>23 A. She told me I needed to leave the FBI</p> <p>24 building and come in, period, disregarding what</p>	<p style="text-align: right;">Page 188</p> <p>1 And we stopped there first.</p> <p>2 Q. Okay. And what did you tell Juan</p> <p>3 Rivera?</p> <p>4 A. Exactly the events that I just related</p> <p>5 to you about the meeting.</p> <p>6 Q. Okay.</p> <p>7 A. And he said, that's fucking ridiculous.</p> <p>8 He said, Adrienne Stanley doesn't want you in</p> <p>9 the unit, they don't want you there and she's</p> <p>10 looking for any reason to throw you out.</p> <p>11 Q. Okay.</p> <p>12 A. Absolutely any reason. They're not</p> <p>13 comfortable with you being over there because</p> <p>14 you worked with IAD on these confidential cases.</p> <p>15 Q. Juan Rivera said --</p> <p>16 A. Yes.</p> <p>17 Q. -- that because you worked at IAD on</p> <p>18 these confidential cases, is that your</p> <p>19 testimony?</p> <p>20 A. Because you worked with IAD on these</p> <p>21 confidential, with. Because we never worked for</p> <p>22 IAD.</p> <p>23 Q. I understand.</p> <p>24 A. There's a difference. Yes, he did.</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
189-192

<p style="text-align: right;">Page 189</p> <p>1 Q. Okay.</p> <p>2 A. And he says -- again, dismissed it and</p> <p>3 said, just go back over there it will be fine.</p> <p>4 But I knew from the phone conversation --</p> <p>5 Q. Okay.</p> <p>6 A. -- it's not going to be fine because --</p> <p>7 Q. Did you go back to the commander with</p> <p>8 Tom Chester?</p> <p>9 A. I don't recall if we walked in there</p> <p>10 together. I think he did walk across the hall,</p> <p>11 but when I -- because they're just like right by</p> <p>12 each other, the offices. We went to Rivera's</p> <p>13 and then I do think he walked across the hall.</p> <p>14 And when we approached her office --</p> <p>15 Q. Yes.</p> <p>16 A. -- she didn't want anything to do with</p> <p>17 me. She didn't want to talk to me at all. She</p> <p>18 was so mad, she just walked out of her office</p> <p>19 and said she was going across the hall to deal</p> <p>20 with it, referring to Juan Rivera's office.</p> <p>21 Q. You thought --</p> <p>22 A. And then I think Tom Chester went back</p> <p>23 across the hall, too, I just went back to the</p> <p>24 cubical.</p>	<p style="text-align: right;">Page 191</p> <p>1 ever personally ask Chief Roti if you could come</p> <p>2 back to Narcotics?</p> <p>3 A. I attempted to, yes.</p> <p>4 Q. What do you mean you attempted to?</p> <p>5 A. Officer Echeverria called his office to</p> <p>6 make an appointment with him to talk about it,</p> <p>7 because we are getting all of this information</p> <p>8 from Juan Rivera directly but we're starting to</p> <p>9 question Juan Rivera because he's not doing what</p> <p>10 he's supposed to.</p> <p>11 So we want to hear from our chief</p> <p>12 himself that we can't come back. I want to hear</p> <p>13 him tell me that.</p> <p>14 Q. And did you ever have a meeting with</p> <p>15 Chief Roti?</p> <p>16 A. No.</p> <p>17 Q. Okay. But as you testified, you were</p> <p>18 starting to question whether things that Rivera</p> <p>19 was telling you about not being able to go back</p> <p>20 to Narcotics, were true?</p> <p>21 A. I was questioning everything. Because</p> <p>22 absolutely everybody -- my head was spinning.</p> <p>23 Everybody was all over the map and nobody was</p> <p>24 doing what they were supposed to do.</p>
<p style="text-align: right;">Page 190</p> <p>1 Q. Okay.</p> <p>2 A. It was very stressful.</p> <p>3 Q. Okay. Other than what you've already</p> <p>4 testified to, is there any other incidents of</p> <p>5 alleged retaliation by Commander Stanley against</p> <p>6 you or Officer Echeverria?</p> <p>7 A. No, not at this time.</p> <p>8 Q. When you talked about the meeting with</p> <p>9 Rivera and you and Tom Chester, was Officer</p> <p>10 Echeverria also in that meeting?</p> <p>11 A. He was off that day.</p> <p>12 Q. Okay. So when you were presenting on</p> <p>13 the Operation Brass Tax case that day at the</p> <p>14 FBI, Officer Echeverria was not with you?</p> <p>15 A. No.</p> <p>16 Q. Okay. If I could direct your attention</p> <p>17 to Paragraph 68 of the Complaint. You allege,</p> <p>18 among other things, that Chief Roti had ordered</p> <p>19 that you not be allowed back in the Narcotics</p> <p>20 unit or any other bureau of Organized Crime.</p> <p>21 You've already testified to that conversation,</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. Did you or Officer Echeverria</p>	<p style="text-align: right;">Page 192</p> <p>1 Q. Okay.</p> <p>2 A. So that -- yes. Because Juan Rivera</p> <p>3 was not putting us in confidential, forcing us</p> <p>4 to stay in 126, which was still under his</p> <p>5 command and allowing us -- refusing to get a CR</p> <p>6 number.</p> <p>7 Q. Okay.</p> <p>8 A. I don't know what's up and what's down.</p> <p>9 Q. I understand.</p> <p>10 When Officer Echeverria made an attempt</p> <p>11 to meet with Chief Roti, was there just no</p> <p>12 response or --</p> <p>13 A. No, there was a response. Officer</p> <p>14 Echeverria called his office. The phone was</p> <p>15 answered by Sue Blauer (phonetic), his</p> <p>16 secretary. At which point she stated, you need</p> <p>17 to be a member of Organized Crime to get a</p> <p>18 meeting with Chief Nick Roti. And he said, I</p> <p>19 am. She said, no, you need to be assigned to</p> <p>20 the unit. He said, I am. And she said, what's</p> <p>21 your name. And he said, Officer Daniel</p> <p>22 Echeverria, I'd like to schedule a meeting.</p> <p>23 And she said, well, what is it about.</p> <p>24 He said, it's of a confidential matter that I</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
193-196

<p style="text-align: right;">Page 193</p> <p>1 need to discuss directly with the chief. And</p> <p>2 she said, you need to tell me what that's about.</p> <p>3 And then she basically said, you know what, that</p> <p>4 is never going to happen, and hung up on Danny.</p> <p>5 Q. Okay.</p> <p>6 A. Now, we know that Chief Roti got the</p> <p>7 message.</p> <p>8 MR. KING: I move to strike. It's not</p> <p>9 responsive to any question.</p> <p>10 BY MR. KING:</p> <p>11 Q. Well, let's go there. You testified</p> <p>12 that Chief Roti got the message that you and</p> <p>13 Echeverria were trying to have a meeting with</p> <p>14 him. Is that your testimony?</p> <p>15 A. Yes.</p> <p>16 Q. How do you know he got that message?</p> <p>17 A. Juan Rivera.</p> <p>18 Q. Okay. What did Juan tell you about</p> <p>19 that?</p> <p>20 A. Juan Rivera saw us in the hallway and</p> <p>21 he said, what the -- we were both walking</p> <p>22 together. What -- he starts telling me, what</p> <p>23 the fuck is wrong with you, why the fuck did you</p> <p>24 call Nick Roti. I said, I didn't call anyone.</p>	<p style="text-align: right;">Page 195</p> <p>1 BY MR. KING:</p> <p>2 Q. You're good?</p> <p>3 A. I'd rather get this over with. It's up</p> <p>4 to you guys. Let's push through it.</p> <p>5 MR. KING: How do you feel?</p> <p>6 MS. COURT REPORTER: I'm fine.</p> <p>7 Whatever you want to do.</p> <p>8 MR. KING: We'll push through all the</p> <p>9 way to the end. Well, let's keep going for a</p> <p>10 while.</p> <p>11 MR. SMITH: Well, let's just go for a</p> <p>12 little while and we can revisit this in a half</p> <p>13 hour or so?</p> <p>14 MR. KING: Yeah, that's fine.</p> <p>15 BY MR. KING:</p> <p>16 Q. If I can direct your attention to</p> <p>17 Paragraph 64 of the Amended Complaint.</p> <p>18 You indicate that Lieutenant</p> <p>19 Sadowski --</p> <p>20 A. 64, 6-4?</p> <p>21 Q. 64. You indicate that Lieutenant</p> <p>22 Sadowski joined what you refer to as the</p> <p>23 campaign by repeatedly attempting to lodge false</p> <p>24 allegations of wrongdoing against Plaintiffs.</p>
<p style="text-align: right;">Page 194</p> <p>1 Danny said, that was me, boss, I did that. He</p> <p>2 said, why in the fuck did you call Nick Roti.</p> <p>3 He said, he called over here and told</p> <p>4 me, don't you fucking ever have either one of</p> <p>5 those motherfuckers call my office again. You</p> <p>6 tell those motherfucking Spalding and Echeverria</p> <p>7 I've got nothing to say to them, they will never</p> <p>8 work here, that's it.</p> <p>9 Now, Juan Rivera knew this shortly</p> <p>10 after the phone call happened. There is no way</p> <p>11 possible he could have quoted what happened --</p> <p>12 Q. Okay.</p> <p>13 A. -- if Nick Roti did not relay that</p> <p>14 information.</p> <p>15 Q. Okay. Did you or Officer Echeverria</p> <p>16 ever attempt to speak directly with Commander</p> <p>17 O'Grady about returning to Narcotics?</p> <p>18 A. After the higher ranking official told</p> <p>19 us never to contact that unit and we couldn't</p> <p>20 come back, we would be going down. Absolutely</p> <p>21 not.</p> <p>22 MR. KING: Okay. Do you guys want to</p> <p>23 take a short lunch or do you want to --</p> <p>24 THE WITNESS: I'm good.</p>	<p style="text-align: right;">Page 196</p> <p>1 Do you see that?</p> <p>2 A. Yes, I do.</p> <p>3 Q. Okay. So that was after you were</p> <p>4 reassigned to be under Lieutenant Sadowski,</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. And what are you referring to</p> <p>8 when you say, he attempted to lodge false</p> <p>9 allegations against you?</p> <p>10 A. Well, there are a couple of incidents.</p> <p>11 One of the incidents being that when we would be</p> <p>12 working later than our regular time, we would</p> <p>13 call him and tell him that we were working</p> <p>14 overtime with Operation Brass Tax and then we</p> <p>15 would call him and tell him when we had</p> <p>16 completed that.</p> <p>17 So we were about to leave, be done for</p> <p>18 the day at headquarters with Operation Brass Tax</p> <p>19 and Officer Echeverria called Lieutenant</p> <p>20 Sadowski to tell him that we were leaving. When</p> <p>21 we went to get on the elevators to go, the doors</p> <p>22 open up and Juan Rivera and Commander Klimess</p> <p>23 (phonetic) were there.</p> <p>24 Q. Okay.</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
197-200

<p style="text-align: right;">Page 197</p> <p>1 A. We were on, you know, the fifth floor 2 where we all, you know, worked out of. And he 3 said, oh, just the two I'm looking for. Come 4 into my -- Chief Rivera said, just the two I'm 5 looking for, come into my office. I need you to 6 bring me up to speed, brief me on where we are 7 with Operation Brass Tax because we, referring 8 to himself and Klimess, Commander Klimess, have 9 to go in to McCarthy's office and brief him. 10 Q. Okay. 11 A. That delayed us an extra hour and a 12 half, approximately. So then we said, okay, 13 boss, well, here's our overtime sheets. Who's 14 going to sign those now? Because we -- 15 Q. Right -- 16 A. -- we signed them out when we were 17 leaving at -- we signed it for like 6:00 and now 18 we're there until 7:30. 19 Q. Sure, sure. 20 A. He said, give them to me, I'll sign 21 them and he signed them. We said, do we need to 22 call Lieutenant Sadowski back. And he said, I'm 23 the fucking chief. 24 Q. Okay.</p>	<p style="text-align: right;">Page 199</p> <p>1 Q. Okay. 2 A. -- at which point it doesn't. 3 Q. Okay. Let me -- 4 (Whereupon, Spalding Deposition 5 Exhibit No. 3 was marked for 6 identification.) 7 BY MR. KING: 8 Q. Ms. Spalding, I'm showing you another 9 document that's marked Deposition Exhibit No. 3, 10 I believe. And it appears to be a counseling 11 session report. The first page is Officer 12 Echeverria's name, the second page is your name 13 and it's a counseling by Lieutenant Sadowski. 14 Have you seen this document before? 15 A. No. I have not seen this at all. 16 Q. Okay. This indicates anyway under the 17 section statement of performance concern and he 18 writes, above is being counseled for two 19 separate incidents. The second incident states, 20 failed to notify a supervisor assigned to 126 21 when above worked overtime on 21, November, 22 2011. Is that the overtime incident that you 23 were just testifying about? 24 MR. SMITH: I object to the</p>
<p style="text-align: right;">Page 198</p> <p>1 A. I signed it, it's done. 2 Well, fast forward, now Lieutenant 3 Sadowski says he wants to file a complaint 4 against us for falsifying our overtime because 5 Danny had called him and said we were leaving 6 and then we didn't. 7 Q. Okay. 8 A. So we explained the situation to him, 9 Danny explained the situation to him over the 10 phone while I was in the car. I heard Danny 11 explain exactly the incident that I just 12 explained to you. 13 Q. Okay. So Danny has a conversation with 14 him when you all are driving back to 15 Inspections? 16 A. This is on another day. This is fast 17 forward. 18 Q. Okay. 19 A. Because it takes about a few weeks or 20 longer for the slips to go through however long. 21 Q. Okay. 22 A. So this is another day he contacts 23 Danny. So we thought the explanation would 24 satisfy the situation --</p>	<p style="text-align: right;">Page 200</p> <p>1 characterization as second incident. I'm sorry, 2 I see the first sentence above this. I withdraw 3 the objection. 4 THE WITNESS: Yes. 5 BY MR. KING: 6 Q. Yes? 7 A. Yes. 8 Q. Okay. So Lieutenant Sadowski had a 9 meeting with you and Officer Echeverria about 10 this overtime incident, correct? 11 A. No, incorrect. 12 Q. Okay. Never had a meeting? 13 A. No. He told us we were going to have a 14 meeting for this counseling report. And the 15 reason I never saw it is when I -- he told us we 16 needed to come -- 17 Q. Right. 18 A. -- we needed to come and you'll see 19 that this -- there is no signature on here. We 20 would have to sign this. 21 Q. I understand. My only question is -- 22 A. Okay. 23 Q. -- did you have a meeting -- 24 A. No.</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
201-204

<p style="text-align: right;">Page 201</p> <p>1 Q. -- with Lieutenant Sadowski about this</p> <p>2 overtime issue?</p> <p>3 A. No. No, I did not. I was not -- I</p> <p>4 never met with him.</p> <p>5 Q. Okay. And -- okay.</p> <p>6 And do you know what the first incident</p> <p>7 is referencing, failed to notify a supervisor</p> <p>8 assigned to Unit 126 about the status of</p> <p>9 eligibility for OPY, Operation Project Youth?</p> <p>10 A. I have no idea what that even is.</p> <p>11 Q. Okay. Do you have any recollection of</p> <p>12 OPY, Operation Project Youth?</p> <p>13 A. I don't know what that even is.</p> <p>14 Q. Okay. Do you have any recollection of</p> <p>15 being asked to participate in OPY, Operation</p> <p>16 Project Youth?</p> <p>17 A. I was never asked to participate in it.</p> <p>18 I don't even know what it is.</p> <p>19 Q. Okay. Do you ever recall being asked</p> <p>20 to participate in a police initiative where you</p> <p>21 would go to one of the schools?</p> <p>22 A. No.</p> <p>23 Q. Okay. And Lieutenant Sadowski, to the</p> <p>24 best of your recollection, never had a</p>	<p style="text-align: right;">Page 203</p> <p>1 document before?</p> <p>2 A. No.</p> <p>3 Q. Okay.</p> <p>4 A. I'm -- no, I haven't. But --</p> <p>5 Q. That's fine.</p> <p>6 A. But it is signed by Juan Rivera.</p> <p>7 Q. Correct.</p> <p>8 A. So it would have to be the incident</p> <p>9 date.</p> <p>10 Q. Okay. You don't have any reason to</p> <p>11 doubt that --</p> <p>12 A. No.</p> <p>13 Q. -- this relates to the incident that</p> <p>14 you were testifying about where Rivera signed</p> <p>15 the overtimes?</p> <p>16 A. I have no reason to doubt it.</p> <p>17 Q. Okay. And Lieutenant Sadowski never</p> <p>18 sat down and had what you understood to be a</p> <p>19 counseling with you?</p> <p>20 A. No.</p> <p>21 Q. Okay.</p> <p>22 A. Never.</p> <p>23 Q. And then I assume you --</p> <p>24 MR. SMITH: I'm just going to object to</p>
<p style="text-align: right;">Page 202</p> <p>1 conversation with you about failing to notify a</p> <p>2 supervisor about the status of your eligibility</p> <p>3 for OPY?</p> <p>4 A. With me?</p> <p>5 Q. Yes.</p> <p>6 A. Lieutenant Sadowski had this</p> <p>7 conversation with me?</p> <p>8 Q. Yes. I'm asking you, yes.</p> <p>9 A. No, not that I recall at all. No.</p> <p>10 Q. Okay. And if you look at the third</p> <p>11 page of this exhibit. Are these the overtime</p> <p>12 slips that you were testifying about that were</p> <p>13 signed by Juan Rivera?</p> <p>14 A. These would not be the ones because --</p> <p>15 they can't be because of -- to 1830, yes, they</p> <p>16 would be the ones because it says Juan Rivera</p> <p>17 down there, doesn't it, at the bottom?</p> <p>18 Q. It appears to.</p> <p>19 A. If that's his signature. I can't see.</p> <p>20 I can't read it, either, any of this.</p> <p>21 Q. Okay.</p> <p>22 A. And it's signed seven days later, isn't</p> <p>23 it, by Juan -- is that Juan Rivera?</p> <p>24 Q. Let me just -- have you seen this</p>	<p style="text-align: right;">Page 204</p> <p>1 the vagueness of counseling with you.</p> <p>2 THE WITNESS: I could tell you why.</p> <p>3 BY MR. KING:</p> <p>4 Q. I was asking you if you felt that there</p> <p>5 was any retaliation by Lieutenant Sadowski, you</p> <p>6 mentioned this overtime incident.</p> <p>7 A. Uh-huh.</p> <p>8 Q. Other than that, are you alleging that</p> <p>9 there are any other incidents where Lieutenant</p> <p>10 Sadowski retaliated against you or harassed you?</p> <p>11 A. The overtime incident where he was</p> <p>12 calling us in for the meeting, to go into -- for</p> <p>13 our counseling meeting that never happened</p> <p>14 between him and I.</p> <p>15 Q. Okay.</p> <p>16 A. Okay. And then there was another</p> <p>17 incident --</p> <p>18 Q. Let me just stop you for a second. So</p> <p>19 you understood you were going to be called in</p> <p>20 for a counseling meeting with Lieutenant</p> <p>21 Sadowski but that, in fact, never happened?</p> <p>22 A. He talked to me on the phone and yes,</p> <p>23 he said you're going to come in and you're going</p> <p>24 to come in at this time in the morning. And we,</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
205-208

<p style="text-align: right;">Page 205</p> <p>1 you know -- but no, the meeting with me and 2 Sadowski never happened. 3 Q. Okay. Do you know if there was a 4 meeting between Echeverria and Sadowski -- 5 A. Yes. 6 Q. -- about the overtime? 7 A. Yes. 8 Q. Okay. And you weren't present for 9 that? 10 A. I was on my way up when Juan Rivera 11 stopped me and said, what the hell are you doing 12 here. 13 Q. I see. 14 A. You're supposed to be on the street. 15 Q. Okay, that's fine. 16 And I'm sorry, you were testifying to 17 any other incidents of alleged retaliation by 18 Lieutenant Sadowski. 19 A. There was another time on a day we were 20 not working Operation Brass Tax, you can ask me 21 when, I don't recall when exactly it was. It 22 was in the middle of sometime when he became our 23 lieutenant -- 24 Q. Sure.</p>	<p style="text-align: right;">Page 207</p> <p>1 A. I don't recall because I wasn't even 2 there. 3 Q. Sure. So you were upset that -- 4 A. How am I going to -- 5 Q. -- he was faulting you for some 6 incident on a day when you weren't even at work? 7 A. Correct. 8 Q. Okay. Other than what you already 9 testified to, is there anything else that 10 happened that you believe is retaliation or 11 harassment by Lieutenant Sadowski? 12 A. Not that I recall at this time. 13 Q. Okay. And would I be correct that 14 everything that you're alleging was retaliation 15 by Lieutenant Pascua, Lieutenant Sadowski or 16 Commander Stanley occurred during the time that 17 you were assigned to the Inspection Division? 18 A. Correct. 19 Q. Okay. Did you ever complain to Tina 20 Skahill about anything that you believed was -- 21 that you were being retaliated against or 22 harassed? 23 A. I did -- we did tell her like when we 24 were being thrown out of 543, as we discussed --</p>
<p style="text-align: right;">Page 206</p> <p>1 A. -- and before we left the unit. That 2 he was talking about an incident that happened 3 and he was going over it with Danny and I. And 4 I said, wait a minute, on what date? And I 5 don't recall the incident. But I said, 6 lieutenant, I don't even know what you're 7 talking about and I wasn't even at work that 8 day. And he said, it doesn't matter, partners 9 go down in pairs. You're getting written up for 10 it, too. 11 Q. Okay. Do you recall what the incident 12 was that you were getting written up for? 13 A. No, because I had no idea. And then I 14 couldn't recall. I'm like, what is he talking 15 about. And so then I asked him the date. And 16 said, I wasn't here that day, that's why I have 17 no knowledge of what you're talking about. 18 Q. But did Lieutenant Sadowski tell you 19 what the incident was? 20 A. At the time he did, I don't recall what 21 it is now. 22 Q. You don't recall what it was? 23 A. Yes. He did state it at the time. 24 Q. Okay.</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. Okay. 2 A. -- and, you know, how we were being 3 thrown out and that we were going to go back to 4 the district. 5 Q. Other than what you've already 6 testified to, did you ever complain to Tina 7 Skahill about any alleged retaliation or 8 harassment? 9 A. During the course of Operation Brass 10 Tax, of course with the permission of Juan 11 Rivera, he was well informed of it, we would 12 continue to keep her up on date when we would 13 see her -- up to date on Operation Brass Tax. 14 Q. Okay. 15 A. And during the course of those 16 conversations, I would say, you know, this -- 17 you know, like I would mention things that had 18 happened. And she said she would talk to Juan 19 because Juan needed to just assign us to 20 Confidential and then everybody in IAD 21 Confidential does the same work as us and the 22 harassment would stop. 23 And she said she didn't understand why 24 Juan wasn't doing that, but she would talk to</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
209-212

<p style="text-align: right;">Page 209</p> <p>1 him. She offered to talk to Juan multiple times 2 on our behalf -- 3 Q. Okay. 4 A. -- about that. 5 Q. Okay. And all of these occasions where 6 you were just testifying about were when Juan 7 Rivera was the chief and Tina Skahill was no 8 longer the chief, correct? 9 A. Correct. 10 Q. Okay. You never specifically asked 11 Tina Skahill to pull a CR number for you, did 12 you? 13 A. No, because she wasn't -- no. We 14 weren't reporting directly to her anymore, so we 15 would ask Juan. 16 Q. Okay. Do you have any recollection of 17 ever discussing with Tina Skahill any alleged 18 retaliation that you believe was happening in 19 Inspections at the hands of Lieutenant Pascua or 20 Sadowski or Commander Stanley? 21 A. You mean while it was under her 22 authority? 23 Q. At any time. 24 A. No.</p>	<p style="text-align: right;">Page 211</p> <p>1 Q. Okay. 2 A. So we did. 3 Q. So let me stop you. 4 So when you testified that you were, at 5 certain points, trying to get out -- or at a 6 certain point trying to get out of Operation 7 Brass Tax and you told that to Juan Rivera, you 8 were trying to move to Fugitive Apprehension; is 9 that correct? 10 A. Well, at -- no, not at all times. At 11 one point, I didn't care where he put me, I just 12 wanted off. And at one point he said, I could 13 put you in Confidentials -- I'll move you, I'll 14 move you to Confidentials or I'll move you back 15 to the academy. And I said, I'll gladly go to 16 Confidentials and it never happened. So we 17 didn't know where it would be. 18 Q. Okay. So prior -- is it your testimony 19 that prior to you and Officer Echeverria putting 20 in applications to go to Fugitive Apprehension, 21 you had a conversation with Chief Tom Byrne 22 about Fugitive Apprehension? 23 A. It was a conversation in passing. 24 Q. Okay.</p>
<p style="text-align: right;">Page 210</p> <p>1 Q. Okay. And after the Inspections 2 Division, your next detail was Fugitive 3 Apprehension, correct? 4 A. Correct. 5 Q. Okay. And are you alleging that there 6 was anything retaliatory about your move to 7 Fugitive Apprehension? 8 A. No. 9 Q. Okay. In fact, you applied to get into 10 that unit, correct? 11 A. In fact, Danny and I went and had a 12 conversation with Chief Tom Byrne. He was our 13 former boss when we were in the 1st District and 14 he had -- he knew that we were really good 15 officers and he had, in fact, asked us to come 16 to Fugitives while we were in Operation Brass 17 Tax and I had told Juan Rivera I wanted off and 18 I wanted to go, but we were denied. 19 Q. Okay. 20 A. And during the course of the 21 conversations with Juan when all of this was 22 happening, he said, my hands are tied, I can't 23 help you, maybe you can go back and talk to Tom 24 Byrne, maybe he can help you.</p>	<p style="text-align: right;">Page 212</p> <p>1 A. Where he said, you know, you guys being 2 inside is a really big waste of talent and you 3 guys should go work with me. We knew that 4 wasn't going to happen because we weren't -- 5 Q. When he's saying, you guys should come 6 work for me, is he referring to Fugitive 7 Apprehension? 8 A. That's how I took it. 9 Q. Okay. And when did this conversation 10 take place in relation to when you submitted an 11 application to go to Fugitive Apprehension? 12 A. It had to be at least a year or so 13 before. 14 Q. Okay. Thank you. 15 (Whereupon, Spalding Deposition 16 Exhibit No. 4 was marked for 17 identification.) 18 BY MR. KING: 19 Q. Ms. Spalding, I'm showing you another 20 document that's been marked Deposition Exhibit 21 No. 4, which is an e-mail -- or a couple of 22 e-mails. At the top, an e-mail from Officer 23 Echeverria to Juan Rivera. Have you ever seen 24 this e-mail before?</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
213-216

<p style="text-align: right;">Page 213</p> <p>1 A. No.</p> <p>2 Q. Okay. Were you aware that Juan Rivera</p> <p>3 was providing you information and suggesting</p> <p>4 that you apply to the Fugitive Apprehension</p> <p>5 unit?</p> <p>6 A. What -- again, I will state that what</p> <p>7 he said was it would be our best bet to go and</p> <p>8 see if Tom Byrne could help us get into there.</p> <p>9 Because Nick Roti was the one that would have to</p> <p>10 sign off on any of the other units and it was</p> <p>11 impossible.</p> <p>12 Q. Okay. There are three different</p> <p>13 e-mails reprinted on Exhibit 4. Is it your</p> <p>14 testimony you've never seen any of them?</p> <p>15 A. I did not see the actual e-mail.</p> <p>16 Q. Okay.</p> <p>17 A. But I do know that -- hold on, there's</p> <p>18 more down here. Hold on a second. This was --</p> <p>19 no, I never saw these documents before.</p> <p>20 Q. Okay, that's fine.</p> <p>21 You were aware, obviously, that you and</p> <p>22 Officer Echeverria decided to submit</p> <p>23 applications for the Fugitive Apprehension unit,</p> <p>24 correct?</p>	<p style="text-align: right;">Page 215</p> <p>1 Q. Okay. And you were reassigned to</p> <p>2 Fugitive Apprehension, by my records, effective</p> <p>3 on or about March 18, 2012. Does that sound</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. If I could now direct your</p> <p>7 attention back to Exhibit 1, the Amended</p> <p>8 Complaint, Paragraph 73.</p> <p>9 You allege that on March 20th, you are</p> <p>10 detailed to Fugitive Apprehension Unit 606. And</p> <p>11 you allege, within that unit, Plaintiffs were</p> <p>12 assigned to the United States Marshal's Task</p> <p>13 Force. Do you see that?</p> <p>14 A. I see that.</p> <p>15 Q. Is that your understanding that when</p> <p>16 you first joined Fugitive Apprehension, that you</p> <p>17 were a part of the United States Marshal's Task</p> <p>18 Force, yes or no?</p> <p>19 A. United States Marshal's Task Force,</p> <p>20 no.</p> <p>21 Q. Okay. Is it your understanding at any</p> <p>22 time since you've been detailed to Fugitive</p> <p>23 Apprehension, that you've been a member of the</p> <p>24 United States Marshal's Task Force?</p>
<p style="text-align: right;">Page 214</p> <p>1 A. Okay. This is referring to a night</p> <p>2 task force that is going to start that was not</p> <p>3 up and running at the time. But yes, for</p> <p>4 Fugitive Apprehension unit, the task force, yes.</p> <p>5 Q. Okay. You're saying what this is</p> <p>6 referring to but you've never seen the e-mail?</p> <p>7 A. No, I haven't seen the actual e-mails.</p> <p>8 No, I have not.</p> <p>9 Q. Okay.</p> <p>10 A. I have not seen these e-mails. It's</p> <p>11 the first time I'm seeing them.</p> <p>12 Q. Okay. At some point, you and Officer</p> <p>13 Echeverria --</p> <p>14 A. I must be failing to understand.</p> <p>15 Q. -- decided to apply for a reassignment</p> <p>16 to Unit 606 Fugitive Apprehension, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. And in connection with that</p> <p>19 application, you asked both Chief Rivera and</p> <p>20 Tina Skahill to provide letters of</p> <p>21 recommendation for the two of you, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And both of them did, correct?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 216</p> <p>1 A. Since we were in Fugitives?</p> <p>2 Q. Yes.</p> <p>3 A. No.</p> <p>4 Q. And in order to do that, you'd need to</p> <p>5 be deputized --</p> <p>6 A. Correct.</p> <p>7 Q. -- by the U.S. Marshals, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. And when you first went to</p> <p>10 Fugitive Apprehension, your first immediate</p> <p>11 supervisor was Sergeant Barnes, correct?</p> <p>12 A. Correct.</p> <p>13 Q. Looking at Paragraph 75 of the Amended</p> <p>14 Complaint. You allege upon information and</p> <p>15 belief on or around the day of your initial</p> <p>16 detail, it says to the U.S. Marshal's Task</p> <p>17 Force, Defendant O'Grady went out of his way to</p> <p>18 personally inform Plaintiffs' new supervisors</p> <p>19 that they were rats and should be treated</p> <p>20 accordingly.</p> <p>21 Do you have any personal knowledge of</p> <p>22 Defendant O'Grady telling anyone in Fugitive</p> <p>23 Apprehension that you were rats and should be</p> <p>24 treated accordingly?</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
217-220

<p style="text-align: right;">Page 217</p> <p>1 A. Yes.</p> <p>2 Q. And what's the basis of that knowledge?</p> <p>3 A. On the first day that Officer</p> <p>4 Echeverria and I reported to the unit, we met</p> <p>5 with Salemme and Cesario, at which point, you</p> <p>6 know, they asked us if we had come -- you know,</p> <p>7 where our background, if we worked -- you know,</p> <p>8 worked with IAD before, things like that.</p> <p>9 Q. Okay.</p> <p>10 A. And were we assigned. And I said, at</p> <p>11 no time were we assigned to IAD. And then when</p> <p>12 we left the office after the brief meeting, he</p> <p>13 walked us over to the two secretaries, Jan</p> <p>14 Hannah and Colleen Dugan, and he said, you'll</p> <p>15 talk to them about getting, you know, your</p> <p>16 radios, your equipment, whatever.</p> <p>17 Q. Sure.</p> <p>18 A. And they walked away. At which point,</p> <p>19 they stated, oh --</p> <p>20 Q. Who is they?</p> <p>21 A. Jan Hannah and Colleen Dugan.</p> <p>22 Q. Are both of them talking or one of</p> <p>23 them?</p> <p>24 A. At one point, each one of them talked.</p>	<p style="text-align: right;">Page 219</p> <p>1 notified that we were going to Fugitive</p> <p>2 Apprehension, we had to contact them to find out</p> <p>3 when do we start and general information, where</p> <p>4 do we report. And the secretary Maureen,</p> <p>5 something with an S, answered the phone. She</p> <p>6 used to be -- work down in Narcotics at the</p> <p>7 24-hour desk, so I was familiar with who she</p> <p>8 was. And she said, okay, Officer Spalding, so</p> <p>9 you and your partner -- and she said, so you're</p> <p>10 coming from Unit -- so you're assigned to 126.</p> <p>11 And I said, no, actually we're assigned</p> <p>12 to Unit 189 Narcotics. She said, oh, that</p> <p>13 explains why Commander O'Grady is up here for</p> <p>14 the last couple of hours so upset. He's</p> <p>15 probably mad that we're taking two of his</p> <p>16 officers away. That was my first heads-up that</p> <p>17 things weren't going to go so well.</p> <p>18 Q. Okay.</p> <p>19 A. That's probably why he's upset.</p> <p>20 Q. Did Maureen S. say anything else in</p> <p>21 that conversation?</p> <p>22 A. After that, I can't recall what she</p> <p>23 said because I was just so shaken to the core.</p> <p>24 Q. Okay. You don't have any personal</p>
<p style="text-align: right;">Page 218</p> <p>1 Q. Okay. What did you hear Jan Hannah and</p> <p>2 Colleen Dugan, the secretaries, say?</p> <p>3 A. Jan Hannah said, oh, so you guys are</p> <p>4 the IAD rats that we heard about and Colleen</p> <p>5 said -- echoed the same thing.</p> <p>6 Q. Okay.</p> <p>7 A. Within ten minutes of being in the</p> <p>8 unit.</p> <p>9 Q. Okay. And that's the basis for your</p> <p>10 allegation in Paragraph 75 of the Amended</p> <p>11 Complaint?</p> <p>12 A. That was my second heads-up that</p> <p>13 something was going on. The first time, there</p> <p>14 was --</p> <p>15 Q. Okay. My question is you allege on the</p> <p>16 information and belief that O'Grady personally</p> <p>17 informed your new supervisors that you were rats</p> <p>18 and should be treated accordingly. One basis</p> <p>19 for that is what you testified to that Jan</p> <p>20 Hannah and Colleen Dugan said. Is there any</p> <p>21 other basis for your allegation in Paragraph 75?</p> <p>22 A. Yes.</p> <p>23 Q. And what is that?</p> <p>24 A. Prior to -- on the day that we were</p>	<p style="text-align: right;">Page 220</p> <p>1 knowledge, do you, of Defendant O'Grady saying</p> <p>2 anything about you to anyone in the Fugitive</p> <p>3 Apprehension unit, do you?</p> <p>4 A. Yes.</p> <p>5 Q. Is that based on what you already</p> <p>6 testified to?</p> <p>7 A. No.</p> <p>8 Q. Okay. What is that based on?</p> <p>9 A. That's based on July of 2011 when I was</p> <p>10 called in to Lieutenant Cesario's office in the</p> <p>11 presence of Sergeant Mills and was told that --</p> <p>12 Q. Okay. Before we -- I don't mean to</p> <p>13 interrupt you. But before we get to the July,</p> <p>14 2011 meeting.</p> <p>15 A. Okay.</p> <p>16 Q. Prior to that, did you have any</p> <p>17 personal knowledge that Commander O'Grady spoke</p> <p>18 negatively about you or Officer Echeverria to</p> <p>19 anyone in the Fugitive Apprehension unit?</p> <p>20 MR. SMITH: Objection, vague as to</p> <p>21 meaning of personal knowledge.</p> <p>22 Go ahead.</p> <p>23 THE WITNESS: I'm confused now.</p> <p>24</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
221-224

<p style="text-align: right;">Page 221</p> <p>1 BY MR. KING:</p> <p>2 Q. Do you have any knowledge based on</p> <p>3 anything other than what you've already</p> <p>4 testified to --</p> <p>5 A. Prior to.</p> <p>6 Q. -- that prior to this July, 2011</p> <p>7 meeting, Commander O'Grady spoke to anyone in</p> <p>8 the Fugitive Apprehension unit negatively about</p> <p>9 you or Officer Echeverria?</p> <p>10 A. Not that I can recall at this time.</p> <p>11 Q. Okay. And you have no personal</p> <p>12 knowledge that -- prior to you starting in</p> <p>13 Fugitive Apprehension, you have no personal</p> <p>14 knowledge of Commander O'Grady speaking to</p> <p>15 Sergeant Barnes about anything, correct?</p> <p>16 A. Prior to me starting?</p> <p>17 Q. Yes.</p> <p>18 A. No.</p> <p>19 Q. And likewise, you have no personal</p> <p>20 knowledge of Defendant O'Grady speaking to</p> <p>21 Commander Salemme or Lieutenant Cesario in a</p> <p>22 negative manner about you or Officer Echeverria,</p> <p>23 do you?</p> <p>24 A. Other than the indication from Maureen</p>	<p style="text-align: right;">Page 223</p> <p>1 that?</p> <p>2 A. Robert Walker and Loren, L-O-R-E-N,</p> <p>3 Guishnere, G-U-I-S-H-N-E-R-E, I believe.</p> <p>4 Q. And was Guishnere and Walker on your</p> <p>5 team under Sergeant Barnes?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And were both you -- strike</p> <p>8 that.</p> <p>9 Was this in a single conversation with</p> <p>10 both Walker and Guishnere or were these separate</p> <p>11 conversations?</p> <p>12 A. Separate.</p> <p>13 Q. And were you present for both of those</p> <p>14 conversations?</p> <p>15 A. Yes.</p> <p>16 Q. Was Officer Echeverria present for both</p> <p>17 of those conversations?</p> <p>18 A. Yes.</p> <p>19 Q. Who told you this first?</p> <p>20 A. Walker.</p> <p>21 Q. In person or on the phone?</p> <p>22 A. In person.</p> <p>23 Q. What did Walker say to you and what did</p> <p>24 you or Officer Echeverria say to Walker?</p>
<p style="text-align: right;">Page 222</p> <p>1 saying that O'Grady was up there very upset with</p> <p>2 the commanders over us coming there, no.</p> <p>3 Q. Okay. You were testifying about</p> <p>4 Paragraph 75, what you base your belief on that</p> <p>5 O'Grady had informed new supervisors that you</p> <p>6 were rats and should be treated accordingly.</p> <p>7 Have you testified about everything</p> <p>8 that allegation in Paragraph 75 was based on?</p> <p>9 A. I believe so.</p> <p>10 Q. Okay. In the next paragraph, you</p> <p>11 indicate that your first sergeant in Fugitive</p> <p>12 Apprehension, Sergeant Barnes thereafter</p> <p>13 informed your new team that you were rats, that</p> <p>14 you were not to be trusted or backed up by the</p> <p>15 team; is that correct?</p> <p>16 A. Correct.</p> <p>17 Q. And what's the basis for that</p> <p>18 allegation?</p> <p>19 A. Team members informing us of that.</p> <p>20 Q. Okay. And when did they inform you of</p> <p>21 that?</p> <p>22 A. Shortly after our assignment to work</p> <p>23 with them.</p> <p>24 Q. And what team members informed you of</p>	<p style="text-align: right;">Page 224</p> <p>1 A. He said, after working with you guys</p> <p>2 for a while, I just think it's fair that you</p> <p>3 know what's going on. He said, you know, we</p> <p>4 heard about you prior to you getting here. The</p> <p>5 sergeant told us that, you know, you're coming</p> <p>6 from IAD and that we shouldn't be working with</p> <p>7 you or back you up, you know, that I just think</p> <p>8 you should know. I base my judgment on the</p> <p>9 individuals and you guys are good cops and maybe</p> <p>10 you should address this issue with the sergeant</p> <p>11 and see if, you know, you can resolve the</p> <p>12 issues.</p> <p>13 Q. Do you recall Robert Walker saying</p> <p>14 anything else in that conversation?</p> <p>15 A. I mean, the conversation wasn't just</p> <p>16 that simple. I mean, of course we were floored.</p> <p>17 And I think he said that he had mentioned, and I</p> <p>18 don't recall his exact wording, that Sergeant</p> <p>19 Barnes was very good friends with Jim O'Grady.</p> <p>20 I believe he mentioned that he was good friends</p> <p>21 with the boss. I don't know who told us that it</p> <p>22 was -- actually, that he was friends with, you</p> <p>23 know, O'Grady and that it had come from the</p> <p>24 Narcotic Division is what he said.</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
225-228

<p style="text-align: right;">Page 225</p> <p>1 Q. Okay. Do you recall Walker saying</p> <p>2 anything else?</p> <p>3 A. No.</p> <p>4 Q. Okay. And was the conversation with</p> <p>5 Loren Guishnere in person?</p> <p>6 A. Yes.</p> <p>7 Q. And is that a male or female?</p> <p>8 A. It's a male.</p> <p>9 Q. Okay. What do you recall Mr. Guishnere</p> <p>10 saying to you and you and Officer Echeverria</p> <p>11 saying in the conversation that you say supports</p> <p>12 your allegation in Paragraph 76?</p> <p>13 A. Guishnere stated that they were</p> <p>14 instructed not to work with us and the same --</p> <p>15 basically the same information that Walker --</p> <p>16 you know, that we're from IAD, not to work with</p> <p>17 us and -- or back us up. And Guishnere said,</p> <p>18 you know, that he personally cannot treat an</p> <p>19 officer in a negative manner, unless he has his</p> <p>20 own specific personal reasons to do so.</p> <p>21 Q. Okay. Other than that, do you remember</p> <p>22 Officer Guishnere saying anything else?</p> <p>23 A. Since then, Guishnere has had multiple</p> <p>24 conversations with my partner directly regarding</p>	<p style="text-align: right;">Page 227</p> <p>1 We -- I got the assignment, we hurried</p> <p>2 up, we pulled out all the information, made</p> <p>3 contact with a possible witness and we're en</p> <p>4 route to handle this when Sergeant Barnes had</p> <p>5 called and said that he was taking the case away</p> <p>6 from me.</p> <p>7 Every one of the cases that I had prior</p> <p>8 to that had been like turnstile jumpers for CTA</p> <p>9 or something like that in --</p> <p>10 Q. So you were en route to working on the</p> <p>11 case --</p> <p>12 A. Yes.</p> <p>13 Q. -- and Sergeant Barnes calls you and</p> <p>14 says he's taking the case away from you?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. Did he say anything else other</p> <p>17 than he's taking the case away from you?</p> <p>18 A. No. I know I told him that we were</p> <p>19 already en route and we had already worked it</p> <p>20 up. And, you know, he said, it's being</p> <p>21 reassigned to somebody else, and then I received</p> <p>22 turnstile jumpers and things like that.</p> <p>23 Q. Do you recall him saying anything else</p> <p>24 in that conversation?</p>
<p style="text-align: right;">Page 226</p> <p>1 the same situation.</p> <p>2 Q. Okay. Have you personally had any</p> <p>3 other conversations with Guishnere about this</p> <p>4 situation?</p> <p>5 A. You know, it may have come up in</p> <p>6 passing, but not a direct, you know,</p> <p>7 conversation like that.</p> <p>8 Q. Okay. If I could direct your attention</p> <p>9 to Paragraph 77 in the Complaint. You allege</p> <p>10 that at one point Sergeant Barnes removed the</p> <p>11 Plaintiffs from a high profile case to which</p> <p>12 they had been assigned because they were rats.</p> <p>13 Plaintiff would not be allowed to work on the</p> <p>14 case. Can you explain what that incident was</p> <p>15 about?</p> <p>16 A. Yes. I had been given a high profile</p> <p>17 homicide case that was all over the media. And</p> <p>18 I was working with my partner Echeverria, Kevin</p> <p>19 Williams and Larry Odem, O-D-E-M, and we had</p> <p>20 been working together on cases. And on this</p> <p>21 particular day, it was Officer Echeverria,</p> <p>22 myself, and I believe Larry Odem was there. I</p> <p>23 don't believe Kevin Williams was present for</p> <p>24 this.</p>	<p style="text-align: right;">Page 228</p> <p>1 A. Not in that conversation.</p> <p>2 Q. Okay. So you're en route to work on</p> <p>3 the case that you worked up. Do you continue on</p> <p>4 to do that?</p> <p>5 A. No.</p> <p>6 Q. Do you stop and get out of the car or</p> <p>7 what happens?</p> <p>8 A. We pick up the next file and start</p> <p>9 working on that one.</p> <p>10 Q. So you stopped working on the case that</p> <p>11 you --</p> <p>12 A. I was ordered to.</p> <p>13 Q. Okay. And was that just you and</p> <p>14 Officer Echeverria in the car? I'm sorry.</p> <p>15 A. It was Larry Odem, as well.</p> <p>16 Q. Right. Was Kevin Williams also in the</p> <p>17 car?</p> <p>18 A. I don't believe Kevin Williams was in</p> <p>19 the car at the time this happened.</p> <p>20 Q. Okay. If I can direct your attention</p> <p>21 to Paragraph 78 of the Complaint. You allege</p> <p>22 that when you tried to talk to Sergeant Barnes,</p> <p>23 he repeatedly referenced that you had brought</p> <p>24 down a sergeant, referring to Watts; is that</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
229-232

<p style="text-align: right;">Page 229</p> <p>1 correct?</p> <p>2 A. Correct.</p> <p>3 Q. How many times did Sergeant Barnes</p> <p>4 reference to you that you had brought down a</p> <p>5 sergeant?</p> <p>6 A. Multiple times.</p> <p>7 Q. Okay. Any recollection of when the</p> <p>8 first time was?</p> <p>9 A. This is during one conversation, I</p> <p>10 believe. You're saying -- you are referring to</p> <p>11 the time that I tried to talk to --</p> <p>12 Q. I'm referring to whatever you're</p> <p>13 referring to in Paragraph 78.</p> <p>14 A. Okay. This was after I was informed,</p> <p>15 we, my partner and I, were informed by Robert</p> <p>16 Walker of the situation. He had said, why don't</p> <p>17 you try to talk to Sergeant Barnes.</p> <p>18 Q. Okay.</p> <p>19 A. So I was working with Kevin Williams</p> <p>20 that day and Sergeant Barnes had come in. And</p> <p>21 he was being -- he was -- he just -- he was</p> <p>22 really being -- I don't even know the right</p> <p>23 word, other than very aggressively hostile</p> <p>24 towards me.</p>	<p style="text-align: right;">Page 231</p> <p>1 he leans all the way over in my ear and puts the</p> <p>2 radio down and turns it up. He says, you</p> <p>3 fucking hear that? Do you hear that? That's</p> <p>4 the 3rd fucking District. Do you now how fast I</p> <p>5 could fucking have you back there? Do you want</p> <p>6 to go back to that fucking district? Do you</p> <p>7 want to go back to the district? He was being</p> <p>8 so aggressive that a female detective turned</p> <p>9 around and said, Sergeant Barnes, I don't like</p> <p>10 the way you're talking to her. This is</p> <p>11 inappropriate and this is hostile. You need to</p> <p>12 stop immediately.</p> <p>13 Q. And who was the female detective?</p> <p>14 A. I don't know who she was.</p> <p>15 Q. Okay.</p> <p>16 A. But I would know her if I saw her</p> <p>17 again.</p> <p>18 Q. Okay.</p> <p>19 A. It was upstairs in Area South on 111th</p> <p>20 and Ellis.</p> <p>21 Q. Okay.</p> <p>22 A. 711 East 111th Street.</p> <p>23 Q. Other than what you've already</p> <p>24 testified to, did Sergeant Barnes do or say</p>
<p style="text-align: right;">Page 230</p> <p>1 First when he came in, they had just</p> <p>2 come in from apprehending someone for I believe</p> <p>3 homicide. And Guishnere had -- it was actually</p> <p>4 his case and everybody was out on it but not</p> <p>5 myself, Danny or Kevin. And he told me, well,</p> <p>6 we just got this guy, you're going to get on the</p> <p>7 computer and you're going to write up, start the</p> <p>8 arrest report. I can't start the arrest report,</p> <p>9 I wasn't even on scene. I'm not the arresting</p> <p>10 officer. So he said, you're going to start it.</p> <p>11 So I called Guishnere and I said,</p> <p>12 Guish, how do you want me to do your report.</p> <p>13 And he said, absolutely not, you can't. Don't</p> <p>14 do it, you'll ruin the whole case. I said,</p> <p>15 yeah, I'm confused. Can I start something else</p> <p>16 for you. So Barnes became very upset that I</p> <p>17 wouldn't go ahead and start this arrest report.</p> <p>18 I'm not even on the scene, I don't even know</p> <p>19 where you guys were.</p> <p>20 Q. Sure.</p> <p>21 A. That's not even -- I can't. It's</p> <p>22 illegal.</p> <p>23 Q. Sure.</p> <p>24 A. So he sits down next to me right here,</p>	<p style="text-align: right;">Page 232</p> <p>1 anything else to you in that incident?</p> <p>2 A. Yes.</p> <p>3 Q. What did he do or say?</p> <p>4 A. After that incident, he walked away and</p> <p>5 he sat down at this desk. And I figured, this</p> <p>6 is escalating, maybe I should try to talk to him</p> <p>7 and see if we could quash this. I mean, we're</p> <p>8 in Fugitives, we're working with really good</p> <p>9 officers on this team. I'm so tired of this,</p> <p>10 I'm desperate to make it work. We did what I</p> <p>11 think is the right thing with Watts. So I</p> <p>12 approached --</p> <p>13 Q. What did Sergeant Barnes say or do?</p> <p>14 A. I approached Sergeant Watts and</p> <p>15 asked -- Sergeant Barnes and asked him if I</p> <p>16 could speak to him and he said, okay. We</p> <p>17 started talking and I said, you know, it's my</p> <p>18 understanding that, you know, you have some</p> <p>19 preconceived ideas about my partner and I and</p> <p>20 that maybe you're concerned about our reasons</p> <p>21 for being here. And these are issues that I</p> <p>22 would -- if you have concerns about, I would</p> <p>23 like to attempt to address and rectify so that</p> <p>24 we don't have any future problems.</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
233-236

<p style="text-align: right;">Page 233</p> <p>1 Q. Okay.</p> <p>2 A. And so Sergeant Barnes said, we're</p> <p>3 going to go, you know, talk and he led me to</p> <p>4 this back like storage room area, I don't know</p> <p>5 what it was, up in the Detective Division.</p> <p>6 And I basically, without naming who, I</p> <p>7 told him what information I had heard. And, you</p> <p>8 know, he said, you know, I know that, you know,</p> <p>9 you worked for IAD, you brought a sergeant down.</p> <p>10 And I said -- he said, you're going to deny you</p> <p>11 worked for IAD?</p> <p>12 I said, well, there's a difference</p> <p>13 between working for IAD or working on, you know,</p> <p>14 a case that IAD is involved in, a Narcotics</p> <p>15 case, you know, with wrongful stuff. I said</p> <p>16 does -- yes, does IAD become involved, you know,</p> <p>17 once you learn of some kind of allegations and</p> <p>18 stuff, absolutely. What are you supposed to do,</p> <p>19 you know, but it happens.</p> <p>20 And he's like, so you like to bring</p> <p>21 sergeants down, huh? You like to have sergeants</p> <p>22 arrested? And he's like, you like to do that</p> <p>23 stuff? And I'm like nobody, you know --</p> <p>24 Q. Just tell me what he said and what you</p>	<p style="text-align: right;">Page 235</p> <p>1 they're not going to back you up. You're not</p> <p>2 safe out here. He said, to be honest with you,</p> <p>3 I'd hate to one of these days have to be the one</p> <p>4 to knock on your door and tell your daughter</p> <p>5 you're coming home in a box. That's how serious</p> <p>6 it is.</p> <p>7 He said, if you want to address the</p> <p>8 issue, I'll tell you what, the next time we have</p> <p>9 a -- I call a team meeting, feel free to stand</p> <p>10 up and address the issues, but I'm not going to</p> <p>11 do it.</p> <p>12 Q. Okay.</p> <p>13 A. So I said, okay. On that particular</p> <p>14 day, I said, okay.</p> <p>15 Q. Okay.</p> <p>16 A. During the course of that meeting,</p> <p>17 Officer Echeverria and Williams walked in.</p> <p>18 Q. Okay. During the course of the meeting</p> <p>19 you were just testifying to that you were having</p> <p>20 with Barnes, Officer Echeverria and Kevin</p> <p>21 Williams walk in?</p> <p>22 A. Yes.</p> <p>23 Q. Are they part of the conversation?</p> <p>24 A. They come in and they say, what's going</p>
<p style="text-align: right;">Page 234</p> <p>1 said.</p> <p>2 A. -- likes to do that. And he's like,</p> <p>3 well, you know what the problem is, the team</p> <p>4 doesn't -- the team doesn't like you. They're</p> <p>5 not going to back you up, they don't trust you.</p> <p>6 I said, they don't? They don't trust us? And</p> <p>7 why is that? Because my understanding is</p> <p>8 they're being ordered by you. They don't have a</p> <p>9 problem with us. He said, yes, they do.</p> <p>10 I said, well, do you think it's</p> <p>11 possible we could have a team meeting to</p> <p>12 clarify? Let's put all the cards on the table,</p> <p>13 we'll answer any questions. I don't want any</p> <p>14 problems. And he said -- again, he would</p> <p>15 continue to bring up, you like to bring</p> <p>16 sergeants down, you like to put sergeants in</p> <p>17 prison, over and over again.</p> <p>18 Q. Okay.</p> <p>19 A. And then he said, well, you know what,</p> <p>20 you're not -- you're not social, you don't</p> <p>21 even -- you don't socialize with the guys. I</p> <p>22 said, I didn't know socializing with the guys</p> <p>23 was part of my job requirement.</p> <p>24 And he's like, well, you know, and</p>	<p style="text-align: right;">Page 236</p> <p>1 on, you know. And I said, well, Danny, maybe</p> <p>2 you should have a seat because Sergeant Barnes</p> <p>3 says this is an issue with both of us, it</p> <p>4 concerns both of us.</p> <p>5 Q. Does Officer Echeverria sit down?</p> <p>6 A. He walks in to sit down and Sergeant</p> <p>7 Barnes says, no, Danny, you get to play with her</p> <p>8 all day. I'll send her back when I'm finished.</p> <p>9 Q. Okay.</p> <p>10 A. And tells Danny to leave the room.</p> <p>11 Q. Okay.</p> <p>12 A. And Kevin Williams walked out, as well.</p> <p>13 Q. Okay. Other than what you just</p> <p>14 testified to you saying and then Barnes saying,</p> <p>15 Officer Echeverria was not present for the rest</p> <p>16 of the conversation with Barnes, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. Am I correct that the</p> <p>19 conversation that you just testified to with</p> <p>20 Sergeant Barnes is what you're referring to in</p> <p>21 Paragraphs 78 and 79 of the Complaint?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. Other than what you've already</p> <p>24 testified to, is there any other alleged</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
237-240

<p style="text-align: right;">Page 237</p> <p>1 retaliation or harassment by Sergeant Barnes</p> <p>2 that you're alleging?</p> <p>3 A. From these paragraphs, no.</p> <p>4 Q. Other than anything you've already</p> <p>5 testified to, is there anything else that you're</p> <p>6 alleging is retaliation or harassment by</p> <p>7 Sergeant Barnes?</p> <p>8 A. Yes.</p> <p>9 Q. What else?</p> <p>10 A. After that -- after that meeting with</p> <p>11 Sergeant Barnes, a few days later, he calls a</p> <p>12 team meeting. During that meeting, Officer</p> <p>13 Echeverria stood up and said, I'd like to</p> <p>14 address an issue. You know, does anybody here</p> <p>15 seem to have a problem with my partner and I?</p> <p>16 There's -- we're seeming to receive information</p> <p>17 that people are questioning our intentions here</p> <p>18 and whether we could be trusted. And it seems</p> <p>19 to be we've been -- you know, my partner has</p> <p>20 been informed that, you know, it's a problem,</p> <p>21 the team has a problem working with us. Does</p> <p>22 anyone have a problem working with either my</p> <p>23 partner or I? And everyone said, no, we don't</p> <p>24 have a problem.</p>	<p style="text-align: right;">Page 239</p> <p>1 A. Yes.</p> <p>2 Q. What else?</p> <p>3 A. Shortly after that, my partner and I</p> <p>4 were called into a meeting with Sergeant Barnes,</p> <p>5 Salemme and Cesario, at which point we were</p> <p>6 removed from Sergeant Barnes' team.</p> <p>7 Q. Okay. Let me stop you there.</p> <p>8 MR. KING: I've got to eat.</p> <p>9 MR. SMITH: Okay.</p> <p>10 MR. KING: Can we do a short maybe</p> <p>11 30 minutes?</p> <p>12 MR. SMITH: Sounds good.</p> <p>13 (Whereupon, a short break for</p> <p>14 lunch was taken.)</p> <p>15 BY MR. KING:</p> <p>16 Q. Officer Spalding, if I could direct</p> <p>17 your attention back to the Amended Complaint in</p> <p>18 Paragraphs 33 and 34. In Paragraph 33, you make</p> <p>19 the allegation that Defendant O'Grady began a</p> <p>20 campaign of harassment, and then the next</p> <p>21 paragraph you talked about the situation where</p> <p>22 he refused to sign the confidential informant,</p> <p>23 correct?</p> <p>24 A. Correct.</p>
<p style="text-align: right;">Page 238</p> <p>1 And Sergeant Barnes said, you know, no,</p> <p>2 you're misunderstanding. I said, I'm not</p> <p>3 misunderstanding anything. Yesterday or two</p> <p>4 days ago you stated that the team has a problem</p> <p>5 working with us and that that's not safe -- and</p> <p>6 that we're not safe out here.</p> <p>7 And he tried to backpedal. And then</p> <p>8 he's like, well, you said somebody told you that</p> <p>9 I said this. Who told you? I said, I'm not</p> <p>10 going to divulge that information. I want to</p> <p>11 know who told you that. I said, Sergeant --</p> <p>12 Robert Walker stood up and said, I told her</p> <p>13 Serge, I'm the one that told her because that's</p> <p>14 what happened.</p> <p>15 Q. Okay.</p> <p>16 A. Ever then after that --</p> <p>17 Q. Do you recall anything else being said</p> <p>18 in that conversation about this subject?</p> <p>19 A. No. That meeting -- Sergeant Barnes</p> <p>20 was very mad and that meeting was over very</p> <p>21 quick after that.</p> <p>22 Q. Okay. Other than what you already</p> <p>23 testified to, is there anything else that you</p> <p>24 consider retaliation by Sergeant Barnes?</p>	<p style="text-align: right;">Page 240</p> <p>1 Q. Okay. My question is am I correct,</p> <p>2 that this confidential informant incident on or</p> <p>3 about August 17, 2010 was the first incident of</p> <p>4 alleged retaliation that you're claiming by</p> <p>5 either the City of Chicago or any of the</p> <p>6 Defendants in this case?</p> <p>7 A. That I'm aware of.</p> <p>8 Q. Okay. That's the first incident?</p> <p>9 You're not aware of any other incident?</p> <p>10 A. With O'Grady, that's the first</p> <p>11 incident.</p> <p>12 Q. Okay. And my question was, am I</p> <p>13 correct that this first incident with O'Grady on</p> <p>14 or about August 17th is the first incident of</p> <p>15 alleged retaliation that you're claiming in this</p> <p>16 lawsuit either by the City of Chicago or any of</p> <p>17 the Defendants -- individual Defendants in the</p> <p>18 case?</p> <p>19 MR. SMITH: I'm going to object, legal</p> <p>20 conclusion.</p> <p>21 BY MR. KING:</p> <p>22 Q. Can you answer the question?</p> <p>23 A. August of 2010. No, I don't think that</p> <p>24 would be the first with the whole City of</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
241-244

<p style="text-align: right;">Page 241</p> <p>1 Chicago. Because there's incidents that 2 happened before O'Grady. I mean, just -- 3 correct. 4 Q. Plaintiff Spalding, you allege that 5 Commander O'Grady began a campaign of harassment 6 and retaliation against you in August 2010. 7 Isn't it correct that you're not alleging that 8 there was any retaliation against you or your 9 partner, Officer Echeverria, prior to Defendant 10 O'Grady as you allege beginning that campaign of 11 harassment, you're not alleging that there was 12 any other retaliation against you for your 13 participation in Operation Brass Tax prior to 14 August, 2010? 15 MR. SMITH: I'm going to the object to 16 the form of the question, a legal conclusion. 17 Go ahead. 18 THE WITNESS: We were there in 2008, 19 and that's two years later. That is the first 20 incident that alerted me to -- I'm sorry, I have 21 to look at this, because you're asking me in a 22 two years' time span. Do have the timeline? 23 BY MR. KING: 24 Q. You can't ask questions. I'm sorry.</p>	<p style="text-align: right;">Page 243</p> <p>1 Deb Kirby based on your involvement with 2 Operation Brass Tax? 3 A. Yes. 4 Q. Okay. What else did Deb Kirby do that 5 you're alleging was retaliation? 6 A. We were informed by Chief Juan Rivera 7 that after the incident occurred, that Deb Kirby 8 admitted to him that she -- you know, that she 9 had denied knowing it and that these two are 10 going to have to be the fall guys now because 11 it's -- I'm not going to go back. 12 Q. I understand that. And that relates to 13 Debbie -- Deb Kirby allegedly denying the 14 knowledge that you were involved in Operation 15 Brass Tax. 16 Other than that subject, Deb Kirby 17 allegedly denying knowing that you were involved 18 in that Operation Brass Tax, are you alleging 19 that there was any other retaliation by Deb 20 Kirby? 21 A. No. 22 Q. Okay. Am I correct that Lieutenant 23 Pascua never disciplined you in any fashion? 24 A. Not that I'm aware of.</p>
<p style="text-align: right;">Page 242</p> <p>1 Okay. 2 A. Well -- 3 Q. My question is I am correct, aren't I, 4 that the first incident of alleged retaliation 5 that you're claiming in this lawsuit against you 6 or your partner, Officer Echeverria, which you 7 allege was retaliation for your reporting or 8 your work on Operation Brass Tax, was the 9 August 17, 2010 incident where you allege that 10 O'Grady wouldn't approve your confidential 11 informant, correct? 12 A. To the best of my recollection at this 13 time, I believe you are correct. 14 Q. Okay. Ms. Spalding, you also testified 15 earlier about an incident where you came to 16 understand that Deb Kirby had denied knowing 17 about your involvement in Operation Brass Tax. 18 Do you recall that testimony? 19 A. Yes, sir. 20 Q. Okay. Other than that allegation that 21 in connection with that incident, Deb Kirby 22 denied -- allegedly denied knowing about your 23 involvement in Operation Brass Tax, are you 24 alleging that there was any other retaliation by</p>	<p style="text-align: right;">Page 244</p> <p>1 Q. Okay. And you're also not aware of 2 Lieutenant Sadowski ever disciplining you in any 3 fashion, correct? 4 A. I was aware that he stated that we were 5 going to have a meeting for it, which never 6 occurred between himself and I. 7 Q. Okay. So to the best of your 8 knowledge, Plaintiff Spalding, you're not aware 9 of Lieutenant Sadowski ever disciplining you in 10 any fashion, correct? 11 A. Other than stating that he was going 12 to, what he did with that, to my knowledge, I 13 don't know. 14 Q. Okay. Now, if I can direct your 15 attention back to the Amended Complaint, 16 Exhibit 1, and Paragraph 80 of the Complaint. 17 As alleged in Paragraph 80, who ordered 18 you to meet with Salemme, Cesario and Barnes? 19 A. Sergeant Barnes informed us that. 20 Q. And did he inform you the same day of 21 the meeting? 22 A. No. 23 Q. What did Sergeant Barnes inform you 24 about that meeting?</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
245-248

<p style="text-align: right;">Page 245</p> <p>1 A. Nothing, other than a few days prior, 2 he stated on this date that we were to meet him, 3 the commander and the lieutenant in the unit for 4 a meeting. 5 Q. Okay. 6 A. That's all he said. 7 Q. Okay. And this meeting did take place? 8 A. Yes, sir. 9 Q. And were you, Officer Echeverria, 10 Lieutenant Cesario, Sergeant Barnes and 11 Commander Salemme present? 12 A. Yes. 13 Q. Okay. What do you recall being said in 14 that meeting by you or by any of the 15 participants in the meeting? 16 A. Well, I know that we were called in and 17 we sat down. And at first, Lieutenant Cesario 18 attempted to challenge our -- attempted to cite 19 our performance as a reason that he was going to 20 be kicking us off of the day team, which is a 21 CPD/marshal's team where CPD officers are 22 deputized. 23 Q. Right. But you and Officer Echeverria 24 were not deputized?</p>	<p style="text-align: right;">Page 247</p> <p>1 Q. Okay. What did he say about the 2 activity report? 3 A. You know, this is your activity and 4 what do you think of that. And I said, well, 5 activity is -- in a Detective Division, which 6 falls under the Detective Division, the Fugitive 7 Apprehension is based on your assignments. So 8 your assignments are assigned to you. So your 9 activity can be only what your assignments are. 10 Q. Okay. 11 A. So we can't -- if we don't get the 12 assignments, there -- we have to be assigned the 13 cases. 14 Q. Okay. 15 A. So then -- continue. 16 Q. Sure. 17 A. So then Commander Salemme stated, did 18 you or did you not ever work for IAD. You work 19 for IAD? And, you know, at that point we said, 20 at no time were we ever assigned to IAD; but did 21 we work investigations with IAD, yes. 22 Q. Okay. 23 A. Regarding internal corruption, yes. 24 But those are two very different subjects. He</p>
<p style="text-align: right;">Page 246</p> <p>1 A. No, not at that time. No, we were not. 2 Absolutely not. 3 Q. Okay. So Cesario indicated that he was 4 moving you from Barnes' team, day team, 5 correct? 6 A. Correct. 7 Q. And you said he attempted to cite your 8 performance. By that, he mentioned your arrest 9 activity, correct? 10 A. Well, that's what he said. 11 Q. Okay. 12 A. We challenged that. 13 Q. Okay. 14 A. And then Commander -- 15 Q. Tell me what you specifically recall 16 Cesario saying and -- 17 A. He pushed a paper and said, look at 18 this, these -- activity report. And it was 19 based -- activity is -- 20 Q. I just want to know what was said in 21 meeting, I don't want to know anything else. 22 Okay. He had some Activity Reports in 23 the meeting, correct? 24 A. Correct.</p>	<p style="text-align: right;">Page 248</p> <p>1 said, you should have known better. If you want 2 to go against other sworn personnel, you should 3 have known this shit was going to happen to you. 4 You brought this baggage here with you. I 5 didn't give it to you, you came here with it. 6 Q. Okay. Commander Salemme said that? 7 A. Yeah, Commander Salemme said that. 8 Q. Do you recall anything else said in 9 this meeting by any participants? 10 A. Yes. Sergeant -- I mean, Lieutenant 11 Cesario said that he was taking us -- we were 12 being removed from Sergeant Barnes' day team. 13 And he said, you want to go against officers, 14 you want to do this type of activity, you are 15 going to be put on the night team way up north. 16 He stated, you will no longer work south, you 17 will no longer work days, you will no longer 18 have a take home car and if I can help it, you 19 will never be deputized. 20 Q. Okay. 21 A. And he said to me, you will never have 22 any of these things as long as you are here. 23 And then lieutenant -- the commander said, 24 you're still in the unit for now because we</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
249-252

<p style="text-align: right;">Page 249</p> <p>1 couldn't get you out just yet. Meaning to me --</p> <p>2 Q. Commander Salemme said that?</p> <p>3 A. Yes, Commander Salemme said that.</p> <p>4 Q. Okay. Do you recall anything else that</p> <p>5 was said in the meeting?</p> <p>6 A. There was so much said. It was a -- it</p> <p>7 was a fairly long meeting. They continued -- I</p> <p>8 mean, the questioning about our involvement with</p> <p>9 IAD and our working with IAD and what we had</p> <p>10 done with them, was fairly extensive by the</p> <p>11 commander and Cesario, the questionings into --</p> <p>12 Q. Other than what you've already</p> <p>13 testified to, do you specifically remember</p> <p>14 anything else said in the meeting?</p> <p>15 A. I remember that, you know -- I remember</p> <p>16 that I asked -- I openly said, so if we had</p> <p>17 never been assigned to work this case with IAD,</p> <p>18 if we had never been involved with any of this,</p> <p>19 would any of this be happening at all right now.</p> <p>20 And I was told by Lieutenant Cesario, no.</p> <p>21 Q. Okay.</p> <p>22 A. Okay. I was also -- I then also said,</p> <p>23 you know, is it possible that I can go anywhere</p> <p>24 else and work days, anywhere else. And he said,</p>	<p style="text-align: right;">Page 251</p> <p>1 believe, I believe that -- I don't know if it</p> <p>2 was Barnes or -- I believe it was Cesario that</p> <p>3 brought that up. I believe that Lieutenant --</p> <p>4 Q. What do you recall Lieutenant Cesario</p> <p>5 saying about that subject?</p> <p>6 A. I do recall Lieutenant Cesario saying</p> <p>7 that in addition to that --</p> <p>8 Q. He said in addition to your activity,</p> <p>9 right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 A. In addition to, meaning referring to</p> <p>13 everything that I have previously stated --</p> <p>14 Q. Okay.</p> <p>15 A. In addition to that, you know, Officer</p> <p>16 Hernandez -- he said, are you dating Officer</p> <p>17 Hernandez. And I said what does that have to do</p> <p>18 with any of this. I don't understand that. And</p> <p>19 he said, well, Officer Hernandez came over to</p> <p>20 Barnes and talked -- had a confrontation with</p> <p>21 him.</p> <p>22 Q. Okay.</p> <p>23 A. I don't know if he said confrontation</p> <p>24 or communication with him. I may not be using</p>
<p style="text-align: right;">Page 250</p> <p>1 for you, never. You'll never see days again.</p> <p>2 Q. Okay. You inquired about working days.</p> <p>3 Did Officer Echeverria say anything about</p> <p>4 wanting to work days?</p> <p>5 A. Well, he -- yes. He stated, you know,</p> <p>6 we're not asking to be moved to another shift or</p> <p>7 the other side of the City, you know. We don't</p> <p>8 want this. And Lieutenant Cesario said, well,</p> <p>9 I'm the one that makes these decisions and</p> <p>10 you're going.</p> <p>11 Q. Okay. Other than what you've already</p> <p>12 testified to, do you recall anything else that</p> <p>13 was said by anyone in that meeting?</p> <p>14 A. You know, there was so much said, I</p> <p>15 don't recall specifics. There were -- there are</p> <p>16 additional specifics, but I can't recall what</p> <p>17 they are right now.</p> <p>18 Q. Okay. Isn't it true that in that</p> <p>19 meeting, somebody mentioned the fact that your</p> <p>20 boyfriend, Anthony Hernandez, had had a</p> <p>21 confrontation with Sergeant Barnes?</p> <p>22 A. Yes, yes.</p> <p>23 Q. Okay. Who brought that up?</p> <p>24 A. It is true. Now, I'm not sure if -- I</p>	<p style="text-align: right;">Page 252</p> <p>1 the word --</p> <p>2 Q. Okay.</p> <p>3 A. He may not have used the word</p> <p>4 confrontation.</p> <p>5 Q. He may have, he may not have?</p> <p>6 A. Yeah. He came over to talk to Sergeant</p> <p>7 Barnes regarding some other -- the rumors of</p> <p>8 sergeants, the rumors of the sergeants, me being</p> <p>9 IAD, taking down the sergeants, you know, those</p> <p>10 rumors. Because now that you say that, it</p> <p>11 reminds me that Sergeant Barnes, when we had our</p> <p>12 meeting when I asked him about can we clear the</p> <p>13 air with any of your concerns --</p> <p>14 Q. Yes.</p> <p>15 A. -- he had also brought up Sergeant Jay</p> <p>16 Padar from Narcotics and an allegation against</p> <p>17 him and said I was responsible for that.</p> <p>18 Q. Okay.</p> <p>19 A. And I stated that I was not responsible</p> <p>20 for that. And then --</p> <p>21 Q. Okay. Let's go back to the meeting</p> <p>22 that you're testifying about. Cesario brings up</p> <p>23 the fact that there was a confrontation or</p> <p>24 communication between Anthony Hernandez and</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
253-256

<p style="text-align: right;">Page 253</p> <p>1 Sergeant Barnes?</p> <p>2 A. Yes, yes.</p> <p>3 Q. What else is said about that?</p> <p>4 A. He said that because of that, because</p> <p>5 of -- Sergeant Barnes said that he didn't like</p> <p>6 the way that he approached him and that he</p> <p>7 had -- I said, approached him? Because I</p> <p>8 actually now -- now that you bring this up --</p> <p>9 Q. Please only tell me what was said in</p> <p>10 the meeting.</p> <p>11 A. Okay. I'm sorry.</p> <p>12 Q. Do you recall anything else?</p> <p>13 A. Sergeant Barnes said -- Sergeant Barnes</p> <p>14 said that it was -- maybe Sergeant Barnes said</p> <p>15 it was a confrontation or something along the</p> <p>16 lines of he didn't like the way he was</p> <p>17 approached. And I said, well, when I --</p> <p>18 Q. When Sergeant Barnes said he didn't</p> <p>19 like the way he was approached, he meant by</p> <p>20 Anthony Hernandez?</p> <p>21 A. Anthony Hernandez.</p> <p>22 Q. Correct?</p> <p>23 A. Yes, he did.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 255</p> <p>1 A. Yes.</p> <p>2 Q. -- the confrontation between Anthony</p> <p>3 Hernandez and Sergeant Barnes?</p> <p>4 A. Yes.</p> <p>5 Q. What else was said?</p> <p>6 A. Then I said, so if you are unhappy with</p> <p>7 the actions of another officer, why don't you</p> <p>8 take disciplinary action against that officer</p> <p>9 and speak to his supervisors? I don't see -- I</p> <p>10 don't control a conversation between another</p> <p>11 officer, especially when their offices are right</p> <p>12 next door to each other and they cross paths, if</p> <p>13 they happen to have a conversation --</p> <p>14 Q. Okay.</p> <p>15 A. -- and they work, the computers are</p> <p>16 next to each other.</p> <p>17 Q. Please just tell me what was said in</p> <p>18 the meeting.</p> <p>19 A. I said, I don't control that and I</p> <p>20 don't feel that I should be accountable for some</p> <p>21 other officer's actions, that he should be -- if</p> <p>22 he has done something wrong, you should be</p> <p>23 initiating disciplinary action against him for</p> <p>24 that. I said that in the meeting.</p>
<p style="text-align: right;">Page 254</p> <p>1 A. And I said, when I talked to yesterday</p> <p>2 after the conversation with Anthony Hernandez,</p> <p>3 you guys exchanged phone numbers, you were</p> <p>4 talking fine. That's not the impression you</p> <p>5 gave me yesterday. It was just a conversation.</p> <p>6 And he said, well, you know, he came up behind</p> <p>7 me and it startled me. And, you know, Loren</p> <p>8 Guishnere is a witness to that.</p> <p>9 Q. Okay. Let's just talk about the</p> <p>10 meeting.</p> <p>11 A. That's what he said. That's the</p> <p>12 meeting.</p> <p>13 Q. No. Loren Guishnere is not in the</p> <p>14 meeting we're testifying about.</p> <p>15 A. Sergeant Barnes said Loren Guishnere is</p> <p>16 a witness to the conversation between --</p> <p>17 Q. Sorry.</p> <p>18 A. -- me and Hernandez. It was not --</p> <p>19 Q. Okay.</p> <p>20 A. You know, it was a little more than</p> <p>21 friendly. That was said in the meeting.</p> <p>22 Q. Okay. Other than what you've testified</p> <p>23 to, do you recall anything else said in the</p> <p>24 meeting about --</p>	<p style="text-align: right;">Page 256</p> <p>1 Q. Okay. Do you recall that you</p> <p>2 apologized in the meeting for Officer Hernandez'</p> <p>3 actions?</p> <p>4 A. I told him I wasn't responsible for</p> <p>5 that. And Sergeant Barnes said, well, for a</p> <p>6 minute there I thought you might have told him</p> <p>7 to do that. And I told him I'm sorry that you</p> <p>8 feel that way.</p> <p>9 Q. Okay.</p> <p>10 A. And -- something else in the meeting.</p> <p>11 Q. Do you recall anything else said in the</p> <p>12 meeting?</p> <p>13 A. Yes, I do.</p> <p>14 Q. Okay.</p> <p>15 A. Sergeant Barnes stated before we left,</p> <p>16 he said, you know what, he said, give me a call,</p> <p>17 we can talk about this.</p> <p>18 Q. Okay. And other than what you've</p> <p>19 already testified to, do you recall anything</p> <p>20 else said in that meeting?</p> <p>21 A. I believe that Danny and I -- the</p> <p>22 meeting was concluded with us being told, you</p> <p>23 know, when we were going to start nights and all</p> <p>24 of that information was provided to us.</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
257-260

<p style="text-align: right;">Page 257</p> <p>1 Q. Okay.</p> <p>2 A. And then Danny and I exited the</p> <p>3 meeting, and Danny was not comfortable with the</p> <p>4 way it was left. He said, do you know what, I</p> <p>5 have something else to say.</p> <p>6 Q. Okay.</p> <p>7 A. And we walked back into the room.</p> <p>8 Q. Okay. And after you walked back in the</p> <p>9 room, what do you recall being said?</p> <p>10 A. I remember Danny stating, you know</p> <p>11 what, this is not right, this is all because of</p> <p>12 retaliation for something and we did the right</p> <p>13 thing and we wouldn't be getting kicked off by</p> <p>14 Commander -- Lieutenant Cesario's own words, we</p> <p>15 wouldn't be getting kicked off if we didn't do</p> <p>16 this investigation and it wasn't right and we</p> <p>17 didn't want this to happen and we were not</p> <p>18 requesting this and --</p> <p>19 Q. Okay. Do you recall anything else</p> <p>20 being said in that second part of the meeting?</p> <p>21 A. No. We exited -- we exited the office</p> <p>22 and then Barnes follows us out and says, can I</p> <p>23 talk to you.</p> <p>24 Q. Okay. Did Barnes talk to you?</p>	<p style="text-align: right;">Page 259</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And that third watch had to</p> <p>3 obviously be staffed with officers, correct?</p> <p>4 A. Correct.</p> <p>5 Q. And at that time, when you were moved</p> <p>6 to the third watch, you had only been in</p> <p>7 Fugitive Apprehension for -- do you know how</p> <p>8 long?</p> <p>9 A. Well, March to June.</p> <p>10 Q. Okay. So a couple months?</p> <p>11 A. Correct.</p> <p>12 Q. A few months, okay. And there were</p> <p>13 other officers that were moved from the second</p> <p>14 watch to the third watch, also, correct?</p> <p>15 A. I don't know about that.</p> <p>16 Q. Okay. But on the third watch, you were</p> <p>17 still in Fugitive Apprehension, you were just</p> <p>18 working on the North Side and different hours</p> <p>19 instead of the South Side, correct?</p> <p>20 A. It's not just that, no.</p> <p>21 Q. Okay. At the time were you reassigned</p> <p>22 to the third watch on the North Side, you were</p> <p>23 living on the South Side, correct?</p> <p>24 A. Extreme South Side.</p>
<p style="text-align: right;">Page 258</p> <p>1 A. Yes, he did talk to Danny and I.</p> <p>2 Q. Okay. And where did this conversation</p> <p>3 take place?</p> <p>4 A. In the hallway in the building.</p> <p>5 Q. Okay. And what do you recall said by</p> <p>6 any of the participants in that conversation?</p> <p>7 A. Sergeant Barnes said, do you know what,</p> <p>8 why don't you call me, we'll see what we can do</p> <p>9 about this. I said, for what, you already did</p> <p>10 it? You went up there and made me guilty for</p> <p>11 whatever you felt, you know, and it's already</p> <p>12 done. There's -- you know, fix what? It should</p> <p>13 have never happened.</p> <p>14 Q. Okay. Do you recall anything else</p> <p>15 being said in that conversation?</p> <p>16 A. No, I don't.</p> <p>17 Q. Okay. Did you ever have any further</p> <p>18 conversations with Sergeant Barnes about that</p> <p>19 subject of you been moved off of his team onto</p> <p>20 another team?</p> <p>21 A. No, I don't think so.</p> <p>22 Q. Okay. Now, at the time Fugitive</p> <p>23 Apprehension was starting a new third watch,</p> <p>24 correct?</p>	<p style="text-align: right;">Page 260</p> <p>1 Q. Okay. And Officer Echeverria was</p> <p>2 living on the North Side, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. What was his address at the</p> <p>5 time?</p> <p>6 A. I don't know his exact address, but I</p> <p>7 think it's 56 something North Mulligan.</p> <p>8 Q. Okay. And your assignments out of the</p> <p>9 third watch on the North Side were typically</p> <p>10 chasing fugitives on the North Side, would that</p> <p>11 be fair to say?</p> <p>12 A. It would be looking for offenders on</p> <p>13 the North Side.</p> <p>14 Q. Okay.</p> <p>15 (Whereupon, Spalding Deposition</p> <p>16 Exhibit No. 5 was marked for</p> <p>17 identification.)</p> <p>18 BY MR. KING:</p> <p>19 Q. Officer Spalding, I'm showing you</p> <p>20 another document that's been marked as</p> <p>21 Deposition Exhibit No. 5. I'll ask you if</p> <p>22 you've seen it before. But it appears to be</p> <p>23 some arrest records for yourself between</p> <p>24 March 22, 2012 and June, 21, 2012. Take a look</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
261-264

<p style="text-align: right;">Page 261</p> <p>1 at the first and the second pages. Do you think</p> <p>2 you've ever seen this document before?</p> <p>3 A. I know I have never seen it before.</p> <p>4 Q. Okay. Do you know one way or another</p> <p>5 whether this was the document that Lieutenant --</p> <p>6 Lieutenant Cesario had with him in the meeting</p> <p>7 that you were just testifying to that took place</p> <p>8 on or about June 20, 2012?</p> <p>9 A. No. I -- it could be.</p> <p>10 Q. It could be, okay.</p> <p>11 A. It might not be.</p> <p>12 Q. That's good enough.</p> <p>13 And as you sit here today, do you have</p> <p>14 any reason to believe this report is inaccurate</p> <p>15 in terms of your arrest activity between</p> <p>16 March 22, 2012 and June 21, 2012?</p> <p>17 A. I would have absolutely no way to know</p> <p>18 if this is accurate or not.</p> <p>19 Q. Okay. Now, when you were told that you</p> <p>20 were moving to the night team on the North Side,</p> <p>21 in that meeting, were you told that you were --</p> <p>22 that you'd be assigned to Sergeant Mills or</p> <p>23 when did you learn you'd be assigned to Sergeant</p> <p>24 Mills?</p>	<p style="text-align: right;">Page 263</p> <p>1 Q. And what do you recall being said in</p> <p>2 that initial conversation with Sergeant Mills?</p> <p>3 A. Following the advice of Juan Rivera, we</p> <p>4 decided to talk to Mills about the way that we</p> <p>5 were moved and the reasons why we were moved</p> <p>6 from Sergeant Barnes' team and explain the</p> <p>7 situation to him. As I said, we were told that,</p> <p>8 you know, maybe he would, you know -- we</p> <p>9 wanted -- we are tired of the trouble, we wanted</p> <p>10 upfront here's the deal, this is what's going</p> <p>11 on, we don't know what you were being told.</p> <p>12 Q. Sure.</p> <p>13 A. I said, you know, we don't know what</p> <p>14 you were told --</p> <p>15 Q. Sure.</p> <p>16 A. -- but this is what happened on our</p> <p>17 side and, you know. He said, you know, fair</p> <p>18 enough. He said he was going to actually give</p> <p>19 Juan Rivera a call and talk to him about us.</p> <p>20 Q. Okay. Do you recall him saying</p> <p>21 something along the lines of, you'd get a fresh</p> <p>22 start with him, he wasn't going to hold anything</p> <p>23 against you from the past?</p> <p>24 A. I remember him saying that he was going</p>
<p style="text-align: right;">Page 262</p> <p>1 A. I don't know if it was in that meeting</p> <p>2 or afterwards. I'm sorry, should I continue?</p> <p>3 Q. Sure.</p> <p>4 A. Yes, as a matter of fact, it was in</p> <p>5 that meeting, now that you say that.</p> <p>6 Q. Okay.</p> <p>7 A. Because Commander Salemme said, we're</p> <p>8 going to put you on Sergeant Mills' team. He</p> <p>9 came from IAD, maybe he can help you learn how</p> <p>10 to deal with that baggage you brought with</p> <p>11 yourselves since you came from IAD, as well.</p> <p>12 Q. Okay. And when you first reported to</p> <p>13 the third watch working for Sergeant Mills, do</p> <p>14 you recall having an initial meeting, initial</p> <p>15 conversation with Sergeant Mills?</p> <p>16 A. Yes.</p> <p>17 Q. And where did that take place?</p> <p>18 A. Outside the Fugitive unit in the</p> <p>19 hallway.</p> <p>20 Q. Okay. And were you and Officer</p> <p>21 Echeverria present?</p> <p>22 A. Yes.</p> <p>23 Q. And just Sergeant Mills?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 264</p> <p>1 to contact Juan Rivera and then -- I don't know</p> <p>2 if it was in that meeting or after he called</p> <p>3 Juan that he did say something along those</p> <p>4 lines.</p> <p>5 Q. Okay.</p> <p>6 A. But he did say it.</p> <p>7 Q. Okay.</p> <p>8 A. If it was at that time or a couple days</p> <p>9 later, I'm not.</p> <p>10 Q. Okay. Between the time you were told</p> <p>11 you were going from Barnes' team to Mills' team,</p> <p>12 did you contact Juan Rivera?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And was that one conversation</p> <p>15 before you reported to Mills or do you think</p> <p>16 multiple conversations?</p> <p>17 A. I know Officer Echeverria had called</p> <p>18 him.</p> <p>19 Q. Okay.</p> <p>20 A. And then I know that he called Officer</p> <p>21 Echeverria back. I also know that I contacted</p> <p>22 him. He said he was going into a meeting and</p> <p>23 that he would call me back.</p> <p>24 Q. Okay.</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
265-268

<p style="text-align: right;">Page 265</p> <p>1 A. But then he failed to do so. So I then 2 called Tom Chester and said, this is what's 3 going on, you know. I mean, this retaliation 4 that isn't supposed to be happening that we were 5 guaranteed by Tom Byrne would not happen in his 6 unit because it won't -- he wouldn't tolerate 7 it, is happening. And Tom Chester said, I will 8 reach out to Chief Rivera and get him to call 9 you. 10 Q. Okay. 11 A. Juan's a good guy, but he doesn't 12 always do what he's supposed to do. And then 13 Chief Rivera called me back after Tom Chester 14 reached out to him. 15 Q. Okay. So you had a phone conversation 16 with Chief Rivera before you met Sergeant 17 Mills? 18 A. Yes, I did. 19 Q. And what was said during that 20 conversation? 21 A. During the conversation -- now, I 22 don't -- I don't know if it was -- I don't know 23 if -- the conversation was that -- and now I 24 don't know if he had this conversation with</p>	<p style="text-align: right;">Page 267</p> <p>1 doing in Fugitive Apprehension is building -- 2 this is how they build a case against you. He 3 said, so what I'm going to tell you to do is 4 document and record every incident that happens 5 and I will take it to the next level, obviously, 6 if it's necessary. 7 Q. Okay. Do you recall anything else 8 being said in that conversation with Juan 9 Rivera? 10 A. I think that's the majority of the 11 ground that was covered. 12 Q. Okay. You can't recall anything else? 13 I'm not suggesting there was anything else. 14 A. I mean, I think that covers the gist of 15 the conversation. 16 Q. Okay. 17 A. I could be forgetting something. 18 Q. Okay. 19 A. There's a lot of stuff to remember. 20 Q. Okay. So you have an initial meeting 21 with Sergeant Mills that goes okay, as far as 22 you're concerned? 23 A. Yeah. 24 Q. You indicate you have a subsequent</p>
<p style="text-align: right;">Page 266</p> <p>1 Danny and he was on speakerphone or I was on the 2 phone with him by myself. 3 Q. Okay. 4 A. Okay. He said that Sergeant Mills, you 5 know, he knows him personally and that he made 6 him meritorious sergeant. And he said that just 7 go to him and let him know what's going on. 8 Q. Okay. 9 A. And that was basically it. He said -- 10 Q. Did he tell you that Sergeant Mills had 11 worked for him, Juan Rivera in IAD? 12 A. Yes. And that's why he meritoriously 13 promoted him from there. I'm sorry, yes. 14 Q. So he had a positive impression of 15 Sergeant Mills, is that fair to say? 16 MR. SMITH: Objection. 17 THE WITNESS: I don't know. Because he 18 said we'll see -- after you reach out to him, 19 we'll see what kind of individual he is or where 20 his loyalties lie now. That's what Juan Rivera 21 said, we'll see where his loyalties lie now. 22 BY MR. KING: 23 Q. Okay. 24 A. And then he also said, what they're</p>	<p style="text-align: right;">Page 268</p> <p>1 meeting. He said something along the lines of 2 you've got a fresh start with me, correct? 3 A. Between one of those two times -- 4 Q. Sure, one of those two times. 5 A. -- that conversation happened. 6 Q. Okay. My understanding is that you 7 allege in the Complaint that after you filed 8 your lawsuit and you and Officer Echeverria 9 spoke to the media, that Sergeant Mills 10 retaliated against you. My question is, is it 11 your claim that Sergeant Mills engaged in any 12 retaliation against you or Officer Echeverria 13 before you filed your lawsuit? 14 A. No. Not -- no. 15 Q. After you filed your lawsuit, is it 16 your allegation that Sergeant Mills engaged in 17 some retaliation against you? 18 A. Yes. 19 Q. And what retaliation are you alleging 20 that Sergeant Mills engaged in? 21 A. Well, after the lawsuit was filed, it 22 was a whole different atmosphere when you return 23 back to work and a whole different attitude with 24 Sergeant Mills. You absolutely could feel the</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
269-272

<p style="text-align: right;">Page 269</p> <p>1 tension.</p> <p>2 You -- Sergeant Mills, I pulled him to</p> <p>3 the side as soon as we came to work the next</p> <p>4 day. And I said, obviously you're aware of the</p> <p>5 situation and obviously no, I couldn't tell you</p> <p>6 ahead of time that this was going to happen.</p> <p>7 And, you know, I'm curious as to how this is</p> <p>8 going to, you know, affect us working here. And</p> <p>9 he said, it is what it is.</p> <p>10 You know, at some point he informed me</p> <p>11 that, you know, Juan Rivera and him were in the</p> <p>12 Marines together. I believe he said the</p> <p>13 Marines. It was the military.</p> <p>14 Q. Okay.</p> <p>15 A. And that him and Salemmme have been</p> <p>16 friends forever, they go golfing all the time</p> <p>17 and that they've been friends for over 20 years</p> <p>18 and the ties to these individuals run deep.</p> <p>19 Q. Okay. Are you testifying to what</p> <p>20 Sergeant Mills said in that first post-lawsuit</p> <p>21 conversation?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Do you recall anything else said</p> <p>24 in that conversation?</p>	<p style="text-align: right;">Page 271</p> <p>1 testified to, do you remember anything else</p> <p>2 being said in that conversation?</p> <p>3 A. Yes.</p> <p>4 Q. What else?</p> <p>5 A. He said -- I said, what happened during</p> <p>6 the team meeting. He said, well, some people</p> <p>7 hate you, you know, some people don't really</p> <p>8 give a shit. And he even said, one person said</p> <p>9 Danny should have gotten a haircut before going</p> <p>10 on TV.</p> <p>11 He said, but different people have</p> <p>12 different amounts of time on the job. People</p> <p>13 with more time, they're not really too concerned</p> <p>14 about it.</p> <p>15 Q. Sure.</p> <p>16 A. But our team is a young team, a lot of</p> <p>17 people with not a lot of time and they hate you</p> <p>18 and maybe they don't even know why they hate</p> <p>19 you.</p> <p>20 Q. Okay.</p> <p>21 A. He said, but, you know, it is what it</p> <p>22 is. I said, well, it's not easy, it was</p> <p>23 something that was a very last resort where we</p> <p>24 tried to resolve it internally. And he said,</p>
<p style="text-align: right;">Page 270</p> <p>1 A. I know he said it is what it is. He</p> <p>2 said, you know -- I said, well, can you tell me,</p> <p>3 you know, how you were notified or what the team</p> <p>4 thinks about this.</p> <p>5 And he said, well, you know, I was</p> <p>6 notified by the commander that you guys were</p> <p>7 going to have a news conference and so I told</p> <p>8 all the members of the team to come in, watch</p> <p>9 the conference, we were going to see what's on</p> <p>10 the news and see what happens and then we had a</p> <p>11 team meeting about it.</p> <p>12 Q. Okay. So you had a team meeting --</p> <p>13 A. Mills is telling me that they had a</p> <p>14 team meeting about it.</p> <p>15 Q. Okay. I see, okay.</p> <p>16 A. That night after the media aired.</p> <p>17 Q. And this post-lawsuit conversation</p> <p>18 you're testifying to, was Officer Echeverria</p> <p>19 also part of that conversation?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. It's just the two of you and</p> <p>22 Sergeant Mills?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Other than what you've already</p>	<p style="text-align: right;">Page 272</p> <p>1 I'm sure it's not easy. He said -- I said, it's</p> <p>2 nothing we wanted to do. It's not a place we</p> <p>3 wanted to be. And we just wanted to come to</p> <p>4 work and do our job and be left alone.</p> <p>5 And he said, I understand that. I'm</p> <p>6 sure it's not easy. I can't think that anybody</p> <p>7 that would go to this extreme, it would be easy</p> <p>8 for.</p> <p>9 Q. Sure.</p> <p>10 A. He said, I'm sure it's very difficult</p> <p>11 and, you know. So that's what happened and, you</p> <p>12 know, that's it. And that was the five minutes</p> <p>13 after we walked in, the day after we hit the</p> <p>14 media.</p> <p>15 Q. Okay. And what retaliation are you</p> <p>16 claiming that Sergeant Mills engaged in?</p> <p>17 A. Well, as time went on, Sergeant Mills</p> <p>18 went from being -- from stating that -- at one</p> <p>19 point he said, it's evident to me that they do</p> <p>20 treat you differently and that they are working</p> <p>21 against you and retaliating against you. At one</p> <p>22 point, he was completely on our side and --</p> <p>23 Q. When did Sergeant Mills --</p> <p>24 A. I'm explaining that.</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
273-276

<p style="text-align: right;">Page 273</p> <p>1 Q. -- say that to you?</p> <p>2 A. When did he make that comment?</p> <p>3 Q. Yes.</p> <p>4 A. Sergeant Mills made that comment in</p> <p>5 about July when I was banned from the building</p> <p>6 by Commander O'Grady.</p> <p>7 Q. Okay. We'll come back to that.</p> <p>8 Okay. I'm sorry for interrupting you.</p> <p>9 My question was what retaliation are you</p> <p>10 claiming that Sergeant Mills engaged in.</p> <p>11 A. Okay. He did a 360 from the way he</p> <p>12 used to be. From the way that he would talk to</p> <p>13 us, from the way that he would just throw the</p> <p>14 keys down, from the point that he would send us,</p> <p>15 you know, text messages not to come in until the</p> <p>16 end of the tour. At one point I went into the</p> <p>17 unit to use the bathroom and he said, you know,</p> <p>18 I told you don't come in from off the street</p> <p>19 until the end of the tour, you know, you've got</p> <p>20 to be out on the street.</p> <p>21 I became so intimidated that every time</p> <p>22 I was going to walk in there, I was going to be</p> <p>23 yelled at like I was called into the principal's</p> <p>24 office, that I started going to the McDonalds on</p>	<p style="text-align: right;">Page 275</p> <p>1 A. So I don't know who assigned it. So we</p> <p>2 switched our hours to go -- the victim was</p> <p>3 cooperating, telling us where he was during the</p> <p>4 day. So we switched our hours.</p> <p>5 Q. Sure.</p> <p>6 A. Okay. We came in during the day to</p> <p>7 help other team members during the day, the day</p> <p>8 before. When we went to go leave that night, we</p> <p>9 said in the presence of everyone, are you going</p> <p>10 to be here for our case tomorrow morning. Yes.</p> <p>11 Q. Okay.</p> <p>12 A. We're going to have the backup we need.</p> <p>13 Because this guy, obviously, is violent.</p> <p>14 Q. And who do you recall being present</p> <p>15 when you --</p> <p>16 A. We --</p> <p>17 Q. -- stated that you said in the presence</p> <p>18 of everyone, you said, are you guys going to be</p> <p>19 there tomorrow morning, who was present?</p> <p>20 A. Officer Chris Dingle, D-I-N-G-L-E.</p> <p>21 Q. Yes.</p> <p>22 A. Officer Roxanne Blarcheck (phonetic), I</p> <p>23 don't know how you spell Blarcheck.</p> <p>24 Q. Okay.</p>
<p style="text-align: right;">Page 274</p> <p>1 the West Side to use the bathroom rather than</p> <p>2 walking into the facilities and being screamed</p> <p>3 at for just wanting to use the bathroom.</p> <p>4 Q. Okay.</p> <p>5 A. Okay. So that's just part of it. He</p> <p>6 would send us out and switch our hours when we</p> <p>7 needed to, to go work days, you know, whatever.</p> <p>8 And there was a time that I had to get</p> <p>9 this guy, I don't recall his name. It was</p> <p>10 around Valentine's Day. But his previous</p> <p>11 record, he had to be tased multiple times, it</p> <p>12 was a chase, a foot pursuit, battery to PO or</p> <p>13 some kind of, you know, incident where it took</p> <p>14 multiple officers to take him down and</p> <p>15 everything. So now I've got to go get this guy</p> <p>16 for battery or something, a domestic battery</p> <p>17 and --</p> <p>18 Q. So Sergeant Mills gave you an</p> <p>19 assignment to go and get this guy that you're</p> <p>20 testifying?</p> <p>21 A. I don't know that Sergeant Mills gave</p> <p>22 me the assignment, it came in an e-mail from the</p> <p>23 unit.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 276</p> <p>1 A. A female detective, I don't know her</p> <p>2 name. She works up there --</p> <p>3 Q. Okay.</p> <p>4 A. -- in the financial crimes.</p> <p>5 Q. Okay.</p> <p>6 A. Officer Echeverria.</p> <p>7 Q. Okay.</p> <p>8 A. Myself and I don't know if -- I want to</p> <p>9 say Sergeant Mills was there, as well.</p> <p>10 Q. Okay. But you're not sure?</p> <p>11 A. No, I'm not 100 percent sure right</p> <p>12 now.</p> <p>13 Q. Okay. So you indicate, you asked</p> <p>14 people that are going to be there to back you</p> <p>15 up. What happens next?</p> <p>16 A. Well, Sergeant Mills told me that Chris</p> <p>17 Dingle and Roxanne were going to be coming in</p> <p>18 the next day.</p> <p>19 Q. Okay.</p> <p>20 A. So we arrive on the scene and they're</p> <p>21 not there.</p> <p>22 Q. Okay.</p> <p>23 A. Nobody is there to back us up. Now, I</p> <p>24 know that I either spoke or had a text message</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
277-280

<p style="text-align: right;">Page 277</p> <p>1 with Sergeant Mills. I believe I talked to him</p> <p>2 during that day where, you know, he said it's</p> <p>3 just going to be the two of you, you know, be</p> <p>4 careful with this guy.</p> <p>5 Q. Okay.</p> <p>6 A. But nobody else is coming. I believe</p> <p>7 at some point that I may have received a text</p> <p>8 either that day -- we worked multiple days on</p> <p>9 the same offender, but at some point of working</p> <p>10 on this offender of, you know, be careful, but</p> <p>11 it's just the two of us against this person.</p> <p>12 Q. Okay. But you don't know why Dingle</p> <p>13 and Roxanne didn't show up, do you?</p> <p>14 A. No.</p> <p>15 Q. Okay.</p> <p>16 A. But when the sergeant tells you that</p> <p>17 you're going to switch your hours and you're</p> <p>18 going to have backup --</p> <p>19 Q. I understand, I understand.</p> <p>20 But you testified you were expecting</p> <p>21 that Dingle and Roxanne would be there to back</p> <p>22 you up. Am I correct that you do not know why</p> <p>23 Dingle and Roxanne weren't there to back you up,</p> <p>24 correct?</p>	<p style="text-align: right;">Page 279</p> <p>1 pointing at Lieutenant Cesario's office, is</p> <p>2 going to be the one that handles that for you.</p> <p>3 How do you think that's going to go for you?</p> <p>4 It's not going to go fucking well.</p> <p>5 He said, the people on the team don't</p> <p>6 want to work with you, they don't trust you.</p> <p>7 For all we know, you could still be working IAD</p> <p>8 investigating them. They don't want to work</p> <p>9 with you guys after all of this came out.</p> <p>10 Q. Okay.</p> <p>11 A. He said, I'm not here to -- I</p> <p>12 requested, well, then maybe we can have a</p> <p>13 meeting. As a supervisor, is there anything you</p> <p>14 can do to intervene on our behalf? How would</p> <p>15 you suggest that we handle this? And he said,</p> <p>16 I'm not here to be your social mediator. That's</p> <p>17 your problem, not mine.</p> <p>18 Q. Okay.</p> <p>19 A. How --</p> <p>20 Q. Statements along the lines that you</p> <p>21 just testified to, did Sergeant Mills make them</p> <p>22 once or approximately how many times?</p> <p>23 A. It continued from the time that we</p> <p>24 filed the lawsuit until I went on the medical</p>
<p style="text-align: right;">Page 278</p> <p>1 A. I know there were no officers there to</p> <p>2 back me up --</p> <p>3 Q. Can you answer my question?</p> <p>4 A. I don't know why.</p> <p>5 Q. Okay, thank you.</p> <p>6 Okay. Other than what you've already</p> <p>7 testified to, is there anything else that</p> <p>8 Sergeant Mills did that you believe was</p> <p>9 retaliation against you?</p> <p>10 A. There's a very long list. I'm going to</p> <p>11 have trouble remembering every absolutely</p> <p>12 incident -- every single incident.</p> <p>13 Q. Well, do your best.</p> <p>14 A. I'm going to do my best.</p> <p>15 Q. Okay.</p> <p>16 A. The lawsuit became a topic of</p> <p>17 conversation almost on a daily basis. Comments</p> <p>18 would be made to me like, what are you going to</p> <p>19 do when you lose this lawsuit, what the fuck do</p> <p>20 you think is going to happen to you then? I</p> <p>21 don't even know why you're still in this unit.</p> <p>22 Why are you still in the unit?</p> <p>23 What do you think is going to happen if</p> <p>24 you get in a police involved shooting? He,</p>	<p style="text-align: right;">Page 280</p> <p>1 and did not return back to work.</p> <p>2 Q. Okay.</p> <p>3 A. And it progressively became worse.</p> <p>4 Q. Okay.</p> <p>5 A. To the point that I couldn't go back to</p> <p>6 work.</p> <p>7 Q. Okay. Have you testified to everything</p> <p>8 that you believe Sergeant Mills did that was</p> <p>9 retaliation against you?</p> <p>10 A. No.</p> <p>11 Q. What else?</p> <p>12 A. We would work what's called VRI, which</p> <p>13 is overtime, and that is seniority based.</p> <p>14 Usually everything that is done in Fugitive</p> <p>15 Apprehension is based on your seniority number</p> <p>16 of years on the job, not your time in the unit.</p> <p>17 Q. Okay. Who told you that overtime would</p> <p>18 be based on your seniority on the job?</p> <p>19 A. Sergeant Mills.</p> <p>20 Q. Okay.</p> <p>21 A. And it's -- it's definite --</p> <p>22 Q. Okay.</p> <p>23 A. And it's a fact. Because everybody</p> <p>24 would apply and they would take the people by</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
281-284

<p style="text-align: right;">Page 281</p> <p>1 the top of seniority.</p> <p>2 Q. Okay. Among those who apply, it's your</p> <p>3 testimony that they would take them by</p> <p>4 seniority?</p> <p>5 A. Yes, that's correct.</p> <p>6 Q. Okay. And if two people were needed</p> <p>7 for overtime and you didn't get your application</p> <p>8 for overtime in before two other people did,</p> <p>9 then you wouldn't get overtime, right?</p> <p>10 A. No. There was -- you would have to</p> <p>11 submit your applications to the secretary, one</p> <p>12 of the secretaries, usually Jan Hannah.</p> <p>13 Q. Okay.</p> <p>14 A. And as long as you got it to her by a</p> <p>15 specific date, it had to be in by that date. It</p> <p>16 didn't mean if he turned -- someone turned</p> <p>17 theirs in three days ahead of me, that they got</p> <p>18 it. It wasn't by the date, it was by the</p> <p>19 deadline.</p> <p>20 Q. Sure, sure. How many times when you</p> <p>21 were working on the third watch in Fugitive</p> <p>22 Apprehension are you alleging that you put in</p> <p>23 overtime requests on the time and individuals</p> <p>24 with less seniority than you got the overtime</p>	<p style="text-align: right;">Page 283</p> <p>1 work on your days off?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. And who would control whether</p> <p>4 you got to do that?</p> <p>5 A. Well, it was the U.S. Marshal's</p> <p>6 program.</p> <p>7 Q. Okay.</p> <p>8 A. So they would control it, I suppose.</p> <p>9 Q. Okay. So you'd put in your request for</p> <p>10 VRI to the U.S. Marshals?</p> <p>11 A. No. To the secretary.</p> <p>12 Q. The secretary?</p> <p>13 A. Jan Hannah.</p> <p>14 Q. Okay. The secretary in Fugitive</p> <p>15 Apprehension?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And are you alleging that</p> <p>18 somehow Sergeant Mills retaliated against you in</p> <p>19 connection with VRI?</p> <p>20 A. What I'm saying is he happened to be my</p> <p>21 sergeant on that day we were working VRI. He</p> <p>22 put in to work on his day off, as well.</p> <p>23 Q. Okay. I see.</p> <p>24 A. And while we were working for the VRI</p>
<p style="text-align: right;">Page 282</p> <p>1 and you didn't?</p> <p>2 A. I'm not --</p> <p>3 Q. How many times did that happen, if at</p> <p>4 all?</p> <p>5 A. I'm not alleging that at all.</p> <p>6 Q. Okay, fair enough.</p> <p>7 Okay. You were testifying something</p> <p>8 about VRI?</p> <p>9 A. Yes.</p> <p>10 Q. What was the point of that?</p> <p>11 A. So we were -- we were working that one</p> <p>12 day on VRI, which was around March or April. It</p> <p>13 ended up being the last day that I would --</p> <p>14 maybe the beginning of March. It would end up</p> <p>15 being the last day that I would put in for VRI,</p> <p>16 because Sergeant Mills was very, very hard, very</p> <p>17 retaliatory that day.</p> <p>18 Q. Can you explain what VRI is?</p> <p>19 A. Violent reduction initiative.</p> <p>20 Q. Okay.</p> <p>21 A. And it's funded by the U.S. Marshals</p> <p>22 for people who are assigned to the U.S. Marshals</p> <p>23 Apprehension unit to work on their days off.</p> <p>24 Q. So you're saying at times you put in to</p>	<p style="text-align: right;">Page 284</p> <p>1 program on our day off, Sergeant Mills was</p> <p>2 working on his day off and was our supervisor.</p> <p>3 Q. I see.</p> <p>4 A. It was on a Sunday.</p> <p>5 Q. Okay.</p> <p>6 A. After we worked this overtime, okay, we</p> <p>7 had -- we had been assigned to work in a South</p> <p>8 Side district with Kevin Williams, Larry Odem,</p> <p>9 multiple people. And you got assigned wherever</p> <p>10 you got assigned and we were under Sergeant</p> <p>11 Mills for that day.</p> <p>12 Q. Sure.</p> <p>13 A. And on previous occasions, Sergeant</p> <p>14 Mills had said, you know, this is federally</p> <p>15 allocated money and we're in Fugitives. So all</p> <p>16 of our cases are Fugitive Apprehension related.</p> <p>17 Q. Okay.</p> <p>18 A. It's not like we're coming over from</p> <p>19 Bomb and Arson where we can't work our cases.</p> <p>20 If you have a fugitive that wants to turn</p> <p>21 themselves in or somebody that you can pick up</p> <p>22 on your regular case, we would get a list of</p> <p>23 other cases. He said, we're going to get him</p> <p>24 because you're getting paid time and a half on</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
285-288

<p style="text-align: right;">Page 285</p> <p>1 federal money and it's still a -- it falls under 2 the Marshal's guidelines. 3 So if it wasn't on your assignment list 4 but it was an assignment -- 5 Q. Is he telling you this on the day that 6 you're working the Sunday, the VRI -- 7 A. Yes. 8 Q. -- where you're under his supervision? 9 A. No. He told us this previously -- 10 Q. Previously? 11 A. -- when we were under his supervision. 12 Q. Okay. 13 A. And subsequently after that, it had -- 14 that is -- he instructed us that and he never 15 instructed us that it ever change. 16 Q. Okay. On this Sunday when you're 17 working under his supervision, are you alleging 18 that there was some sort of retaliation? 19 A. Yes. 20 Q. What was the retaliation? 21 A. Okay. When we first arrived to work, 22 one of Danny Echeverria's wanted subjects, who 23 was going to turn themselves in the night 24 before, had called and said I couldn't make it</p>	<p style="text-align: right;">Page 287</p> <p>1 A. Called screaming, yelling, what the 2 fuck are you doing over there in this 11th 3 District. You're supposed to be in the 4 4th District. You're misappropriating federal 5 funds, blah, blah, blah, blah. I said, Serge -- 6 Q. This is a telephone conversation? 7 A. Yes. 8 Q. Okay. 9 A. I said, Serge, I said, you are the one 10 who directed us to do this previously. 11 Q. Okay. 12 A. Everybody -- everyone does this. 13 Q. Okay. 14 A. No, you know, and I -- he started to 15 just really yell. And I said, well, you know 16 what, this is Danny's case, I think you'll need 17 to talk to Danny. 18 Q. Okay. 19 A. And then he talked to Danny and, you 20 know, I can hear from Danny's end of the 21 conversation, it was the same thing, it was no 22 better. 23 Q. Okay. 24 A. Danny hung up the phone, we got in the</p>
<p style="text-align: right;">Page 286</p> <p>1 but you can come pick me up now. We were 2 reporting to work in the 11th District out of 3 the 11th District that day, and this person was 4 right down the street in the 11th District. 5 Q. Okay. 6 A. So based on the fact that Sergeant 7 Mills had told us that while we're working this 8 program, that as long as it is a Fugitive 9 Apprehension case, you can work it. 10 Q. Okay. 11 A. Because it's still fugitives. 12 Q. Okay. 13 A. So we went in to -- we went to pick the 14 offender up who said, come and get me. I'm 15 wanted, come and get me. Processed that 16 offender, we sent Sergeant Mills that 17 information. 18 Q. Okay. 19 A. And then we proceeded to our area that 20 we were assigned to for that day, which was the 21 4th District. 22 Q. Okay. 23 A. Sergeant Mills lost his mind. 24 Q. Okay.</p>	<p style="text-align: right;">Page 288</p> <p>1 car. He said, I don't know what he's losing his 2 mind about. He's absolutely -- Danny said, he's 3 hostile, and I don't -- we're doing our job, we 4 made the arrest. 5 Q. Sure. 6 A. So we went up there, we went to do our 7 sheet to go look for people. After our tour was 8 over, Sergeant Mills sent us a text telling us 9 to report back to him in the 11th District, 10 which we normally would anyway. But then he 11 called us in to the secretary's office and shut 12 the door. 13 Q. Okay. 14 A. I believe it was the secretary's office 15 in the Fugitive Apprehension unit in the 11th 16 District. 17 Q. Okay. 18 A. And, you know, in one of those offices. 19 And he just said that, you know, I don't know 20 what the hell you think you're doing, you guys 21 just go out there and do whatever you the fuck 22 you want to do. 23 And Danny says, well, wait a minute. 24 You've got all these other officers here that</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
289-292

<p style="text-align: right;">Page 289</p> <p>1 are doing exactly the same different -- as the 2 same thing, why is our arrests treated 3 differently than anybody else's. Don't worry 4 about what I do with other people. Because 5 Danny specifically named officers. Well, what 6 about this officer, and what about this officer. 7 How dare you bring up other officers. 8 Danny said, I'm not bringing them up, 9 I'm questioning why you are treating us 10 differently than you'd treat these officers. 11 Q. Do you recall which officers Officer 12 Echeverria brought up in the meeting? 13 A. I recall that it was -- his name will 14 come to me. Lopez, Joe Lopez. 15 Q. Okay. 16 A. And I don't know if it's -- I can't 17 recall the other ones. 18 Q. Okay. 19 A. Okay. So -- 20 Q. Do you think he brought up other 21 officers' names and you can't recall or the only 22 one you recall is Joe Lopez? 23 A. Well, the only one I recall is Joe -- I 24 remember him specifically saying Joe Lopez.</p>	<p style="text-align: right;">Page 291</p> <p>1 that he dropped the paper or it was the day 2 before or another day. 3 But he said that Chris -- he told me 4 that Chris Dingle dropped paper on me because 5 another sergeant walked in, Sergeant Mason 6 walked and said to Chris Dingle, hey, have you 7 seen your sergeant today yet, you're working for 8 Sergeant Barnes. And he said, no, I haven't -- 9 not today, do you want me to call him. And 10 Mason said, well, it's 6:30, he's sleeping off 11 somewhere, he'll get here when he gets here. 12 Okay. So little bit -- this is what 13 happened in this meeting. I'm telling Sergeant 14 Mills this. 15 Q. You're telling Sergeant Mills about 16 this? 17 A. Yes. 18 Q. Okay. 19 A. So then I said, then -- all I said to 20 Chris was, well, that was the one good thing 21 about working on Barnes' team is that, you know, 22 you get your cases, you know, you go work your 23 cases, you're treated like an adult. You go 24 out, you work it, you know, Sergeant Barnes is</p>
<p style="text-align: right;">Page 290</p> <p>1 Q. Okay. 2 A. Okay. 3 Q. What else is said in this meeting with 4 Sergeant Mills? 5 A. Well, Sergeant Mills once again 6 reiterates the whole thing about, I don't know 7 why the fuck they left you in this unit, you 8 shouldn't have been left here, you know. 9 He told me, in fact, Chris Dingle 10 dropped paper on you this morning. And I said, 11 dropped paper on me this morning? Meaning did a 12 report. He said because of your comments about 13 Barnes. I said, what comments are you referring 14 to? He said, I don't know, you tell me. And I 15 said, do you want to know what the conversation 16 was? And he said, yeah, why don't you tell me. 17 I said at 6:00 when we start, we're 18 sitting here at our desk, Danny is sitting here. 19 There's about five of us. Chris Dingle sitting 20 there next to whoever. Oh, this is another 21 time. He says, Chris Dingle even dropped paper 22 on you. I don't know if it was that day. 23 Q. Okay. 24 A. Yeah, I don't know if it was that day</p>	<p style="text-align: right;">Page 292</p> <p>1 not hovering over you every minute, what are you 2 doing. That was my comment, along those lines. 3 Q. Sure. 4 A. That wasn't my exact wording. 5 Q. Sure. 6 A. So how in the hell are you going to 7 drop paper on me for a negative comment? And 8 Danny says, drop paper on her? If anything, why 9 don't you drop paper on Sergeant Barnes for not 10 being here when he's being paid by the Fugitive 11 Apprehension U.S. Marshals or Sergeant Mason for 12 not reporting him? 13 Q. Okay. But to your understanding, Chris 14 Dingle is the one that dropped paper on you? 15 A. That's what he told me. 16 Q. Back to your conversation with Sergeant 17 Mills. Do you recall anything else being said 18 in that conversation? 19 A. Yeah. He continued to say that people 20 don't want you in the car, we don't know if 21 you're -- you know, they think that you're 22 recording them. For all we know, you could 23 still be -- how do we know you're not working 24 with IAD? You could be working with them and</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
293-296

<p style="text-align: right;">Page 293</p> <p>1 recording us now. I said --</p> <p>2 Q. Okay.</p> <p>3 A. -- I could be, you know. Okay, you</p> <p>4 know, you could be. But if I was, I couldn't</p> <p>5 tell you that anyway. But you could be. For</p> <p>6 all I know, you are.</p> <p>7 Q. Okay.</p> <p>8 A. But who cares. I mean, what does that</p> <p>9 have to do with anything, you know?</p> <p>10 Q. Do you recall anything else being said</p> <p>11 in that conversation?</p> <p>12 A. Yeah. He said we weren't going to be</p> <p>13 backed up and the team doesn't like us and he</p> <p>14 doesn't know why we're there, he doesn't know</p> <p>15 why we leave, he doesn't know how we're going to</p> <p>16 have a career when this is over.</p> <p>17 He said, do you know what the fuck is</p> <p>18 going to happen to you when this is over? I</p> <p>19 said, I know what's not going to happen. You're</p> <p>20 not going to continue to retaliate against me.</p> <p>21 Q. Okay.</p> <p>22 A. And then I said, you have kept us here</p> <p>23 an hour and a half past the time I'm supposed to</p> <p>24 get off. Unless you're going to pay me, I'm</p>	<p style="text-align: right;">Page 295</p> <p>1 the unit.</p> <p>2 Q. Let me just stop you for a second. I</p> <p>3 know you're about to testify about another</p> <p>4 incident. My question is other than what you've</p> <p>5 testified to so far, is there anything else that</p> <p>6 you are claiming that was retaliation against</p> <p>7 you by Sergeant Mills?</p> <p>8 A. Yes.</p> <p>9 Q. What else?</p> <p>10 A. I after -- and every one of these are</p> <p>11 going to intertwine into another incident,</p> <p>12 another incident, so you --</p> <p>13 Q. Okay.</p> <p>14 A. Okay. So in July the day that</p> <p>15 Commander O'Grady banned me from coming into the</p> <p>16 building after Lieutenant Cesario had that</p> <p>17 meeting with me and Mills present, I went</p> <p>18 outside and I was so distraught and so shaken up</p> <p>19 that I called Sergeant Mills and said, can you</p> <p>20 meet, I need to talk to you. So we went -- he</p> <p>21 told us to meet him in the parking lot over at</p> <p>22 Fugitives up on the roof.</p> <p>23 So Danny, Sergeant Mills and I got out</p> <p>24 of our vehicle. It was summertime and we were</p>
<p style="text-align: right;">Page 294</p> <p>1 leaving.</p> <p>2 Q. Okay. And did you leave?</p> <p>3 A. He said, okay, I'm done here. I'm not</p> <p>4 going to stop you.</p> <p>5 Q. Okay.</p> <p>6 A. And I left.</p> <p>7 Q. Okay. And I think you were testifying</p> <p>8 that this was shortly before you went out on</p> <p>9 medical leave, that incident?</p> <p>10 A. Yeah. It was somewhere shortly before</p> <p>11 that.</p> <p>12 Q. Okay.</p> <p>13 A. You know, within a month or two or</p> <p>14 sooner.</p> <p>15 Q. Okay. Do you recall how soon that was</p> <p>16 before you went out on medical leave?</p> <p>17 A. I could tell you that incident</p> <p>18 happened -- after that incident happened, about</p> <p>19 a week later, IAD supervisor Mike Barz and --</p> <p>20 Sergeant Mike Barz and Sergeant -- and Sergeant</p> <p>21 Moscolino, I don't know his first name. Robert</p> <p>22 Moscolino, came up to the unit.</p> <p>23 Q. Okay.</p> <p>24 A. I had received a -- no. I walked into</p>	<p style="text-align: right;">Page 296</p> <p>1 out there. And I said to Sergeant Mills, you</p> <p>2 know, what just happened in there? I mean, I</p> <p>3 don't understand that. How can you ban an</p> <p>4 officer in good standing out of a building that</p> <p>5 they're assigned to? I don't understand how you</p> <p>6 can do that.</p> <p>7 He said, you know, I don't know, I</p> <p>8 don't know what the fuck is wrong with that</p> <p>9 lieutenant or the commander. I was here when</p> <p>10 O'Grady called in to Commander Salemme, he said,</p> <p>11 and then Commander Salemme came in and told</p> <p>12 Cesario, I want you to talk to her, have a</p> <p>13 meeting with her. You're to tell her she's to</p> <p>14 stay the fuck out of that building, we're</p> <p>15 banning her from the building, blah, blah, blah,</p> <p>16 blah, blah.</p> <p>17 Q. You're telling me that Sergeant Mills</p> <p>18 told you he heard what O'Grady said to Salemme</p> <p>19 and then Salemme said to Cesario, is that what</p> <p>20 you're saying?</p> <p>21 A. No. I'm telling -- he said he was at</p> <p>22 work when Commander O'Grady called Salemme and</p> <p>23 then Salemme came into -- and then Salemme went</p> <p>24 to Cesario and said -- you've got to remember,</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
297-300

<p style="text-align: right;">Page 297</p> <p>1 it's one big office and then there's a door. 2 Q. I understand. 3 A. And then Salemme said -- he told -- he 4 instructed Cesario to have a meeting with me and 5 ban me from the building. 6 He said, after that, I went to 7 Lieutenant Cesario and I said, listen, 8 Lieutenant, I don't think you can legally ban 9 her from that building. I said, I thought I 10 questioned on my level, he said, and they put me 11 in a compromising position. Because at this 12 point, I've got nothing I can do if this ends up 13 in a federal lawsuit except testify and tell the 14 truth that that's what the fuck they did. 15 But I'm going to tell you this much. 16 You need to be very concerned. Commander 17 O'Grady hates you so much that if he could pop 18 you off, meaning shoot you, across the parking 19 lot while you're walking to or from your car to 20 work, he's going to take that shot. So I advise 21 you, you need to wear your vest. 22 Q. Sergeant Mills told you this? 23 A. Sergeant Mills told me that. 24 Q. Okay.</p>	<p style="text-align: right;">Page 299</p> <p>1 the lawsuit. 2 Q. Okay. 3 A. The day that Commander O'Grady banned 4 me from the building, whatever day that was, 5 July or whatever, 2011. 6 Q. Let's -- why don't we look at 7 Paragraph 90 of the Amended Complaint. You 8 allege that Defendant Commander O'Grady banned 9 you from the Chicago Police Headquarters at 10 Homan Square where you were assigned a locker. 11 How did you come to know that O'Grady 12 so-called banned you from that facility? 13 A. Sergeant Mills told me and Lieutenant 14 Cesario told me in that meeting that we just 15 discussed. 16 Q. Okay. I'm sorry, just so I'm clear. 17 There was a meeting with just you and Mills and 18 Cesario? 19 A. Correct. 20 Q. And was the only subject of that 21 meeting this allege ban of you -- how did that 22 meeting -- how were you told to meet with them 23 about that subject? 24 A. Sergeant Mills called me and he said,</p>
<p style="text-align: right;">Page 298</p> <p>1 A. I was so distraught and so upset. I 2 took time off until I went on vacation, however 3 many days that was. And I told Sergeant Mills, 4 how can you stand here and tell me, knowing all 5 of this, and you don't initiate any action 6 against these supervisors for doing this. How 7 can you stand here and tell me this? 8 You are mandated to get a CR number. 9 You come from IAD, you know this. You're 10 supposed to take some kind of action on my 11 behalf. 12 Q. Okay. 13 A. And he said, you know what, just put 14 your time due slips in, don't worry about all of 15 this. By the time you get back from furlough, 16 maybe things will resolve themselves. He would 17 not take any supervisor action to protect me at 18 all. Nothing. You're going to stand on the 19 rooftop and tell me that that's what you're 20 going to do? 21 Q. And this rooftop conversation was 22 shortly before you went on furlough and then 23 medical leave, correct? 24 A. No. This was in July before I filed</p>	<p style="text-align: right;">Page 300</p> <p>1 hey, where are you at. I said, Danny and I are 2 in the car. We already left to get our 3 subjects, our offenders. 4 Q. Okay. 5 A. He said, well, can you come back in, 6 the lieutenant wants to meet with you. 7 Q. Okay. 8 A. So I told Danny in the car, here we go 9 again. But when I walked in that day, I sent 10 Danny a text. I said, something's in the air. 11 Because when I walked in, the commander and the 12 lieutenant were standing there waiting for me 13 and they were just -- the lieutenant's veins 14 were popping in his neck. And the way they 15 looked at me, and the way they glared at me and 16 the tension in the air, I became extremely 17 nervous -- 18 Q. Okay. 19 A. -- because this is going on constantly, 20 so I know that something is going to happen. 21 It's just walking in behind enemy lines. So I 22 text Danny. Now Mills calls me in and says, the 23 lieutenant wants to talk to me. So now I'm 24 extremely nervous because I know that --</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
301-304

<p style="text-align: right;">Page 301</p> <p>1 Q. Okay.</p> <p>2 A. -- something terribly negative is going</p> <p>3 to happen.</p> <p>4 Q. And at that point, you don't know what</p> <p>5 the meeting is about?</p> <p>6 A. I have no idea. But all kinds of</p> <p>7 things are happening that shouldn't be</p> <p>8 happening.</p> <p>9 Q. Okay. Did you call Officer Echeverria?</p> <p>10 A. I asked if I could -- we were together.</p> <p>11 We both walked in.</p> <p>12 Q. Okay.</p> <p>13 A. And I said, can I have a witness in</p> <p>14 this meeting and they said, no, you can't. Only</p> <p>15 Lieutenant Cesario can.</p> <p>16 Q. Okay. So who's in the meeting?</p> <p>17 A. Lieutenant Cesario, Sergeant Mills and</p> <p>18 me.</p> <p>19 Q. And what is said in this meeting that</p> <p>20 you're basing your allegation in Paragraph 90?</p> <p>21 A. Lieutenant Cesario said, what did you</p> <p>22 do before work today. Could you be a little</p> <p>23 more specific? Like what did you do before</p> <p>24 work. Did you go over to Homan Square. I said,</p>	<p style="text-align: right;">Page 303</p> <p>1 for all I know, you know.</p> <p>2 Q. Okay.</p> <p>3 A. Yes. But you're assigned to 189,</p> <p>4 detailed to Fugitives.</p> <p>5 Q. Okay.</p> <p>6 A. So instead of assignment, detailed.</p> <p>7 And so --</p> <p>8 Q. In your detail to Fugitive</p> <p>9 Apprehension, you weren't -- your work location</p> <p>10 was not Homan Square, correct?</p> <p>11 A. No. We moved out of Homan. It was at</p> <p>12 Homan Square for part of the time up on the</p> <p>13 fifth floor.</p> <p>14 Q. Okay.</p> <p>15 A. And then we moved out and we had just</p> <p>16 moved into the 11th District.</p> <p>17 Q. Okay. So at the time that you had this</p> <p>18 meeting with Cesario and Mills, your work</p> <p>19 location was no longer Homan Square, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. What else, other than what</p> <p>22 you've testified to, do you recall being said in</p> <p>23 this meeting with Cesario and Mills?</p> <p>24 A. He said, I strongly -- Lieutenant</p>
<p style="text-align: right;">Page 302</p> <p>1 yes, I did. What are you -- what the -- what</p> <p>2 are you doing in that building? I said, I'm</p> <p>3 assigned to that building, I don't understand</p> <p>4 where this is coming from.</p> <p>5 Q. Okay.</p> <p>6 A. Did you see Commander O'Grady in there?</p> <p>7 No, I never saw Commander O'Grady in there.</p> <p>8 Q. Okay.</p> <p>9 A. You know, he said, well -- he said,</p> <p>10 Commander O'Grady doesn't want you in that</p> <p>11 building.</p> <p>12 Q. Okay.</p> <p>13 A. He doesn't want you going in that</p> <p>14 facility. I said, it's a facility that has a</p> <p>15 gym that is open to all officers in good</p> <p>16 standing. Anybody can go in there, use the</p> <p>17 washroom, you know, park your car there. I'm</p> <p>18 assigned there anyway, you know.</p> <p>19 Q. And when you say you're assigned there,</p> <p>20 you had a locker there, correct?</p> <p>21 A. At one point I had a locker there, I</p> <p>22 don't know if I still had the locker.</p> <p>23 Q. Okay.</p> <p>24 A. I could still have a locker there now,</p>	<p style="text-align: right;">Page 304</p> <p>1 Cesario said, I strongly encourage you for your</p> <p>2 own benefit that you do not go back into that</p> <p>3 building. You be advised that you are banned</p> <p>4 from that building.</p> <p>5 Q. Okay. Do you recall anything else</p> <p>6 being said in that meeting?</p> <p>7 A. It was a little bit longer meeting than</p> <p>8 that so I'm sure that there was more that I just</p> <p>9 can't recall at this moment.</p> <p>10 Q. Okay. If you look at your Complaint,</p> <p>11 Paragraph 89, you say, on August 17th, Sergeant</p> <p>12 Watts and Officer Mohammed pled guilty. And</p> <p>13 then in Paragraph 90, you say around the same</p> <p>14 time, Defendant O'Grady banned you from Homan</p> <p>15 Square.</p> <p>16 Do you have a recollection of whether</p> <p>17 this alleged banning was after August 17, 2012?</p> <p>18 A. No. I thought it was closer to July.</p> <p>19 Q. Okay. Are you sure of when it was?</p> <p>20 A. No.</p> <p>21 Q. It could have been July, it could have</p> <p>22 been August?</p> <p>23 A. Yeah. I'm basing it on the fact that I</p> <p>24 took time off until I went on vacation. And I</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
305-308

<p style="text-align: right;">Page 305</p> <p>1 always took vacation in July, so I could be 2 wrong. 3 Q. Okay. 4 A. But I don't have those records. 5 Q. Okay. And after that Homan Square 6 incident, is it your testimony that you shortly 7 thereafter took vacation or furlough and then 8 went right into medical leave? 9 A. No. 10 Q. Okay. 11 A. I took time off using my comp time. 12 Q. Okay. 13 A. And I went on my assigned scheduled 14 furlough that I picked the previous November. 15 Q. Okay. 16 A. I believe that it was -- that's when 17 the incident occurred. 18 Q. Okay. 19 A. To the best of my recollection. 20 Q. Okay. I think where we were in this 21 whole thing, I was asking you if there was 22 anything else that Sergeant Mills did that you 23 believe was retaliatory. 24 You've told me about a lot of things.</p>	<p style="text-align: right;">Page 307</p> <p>1 A. So I was afraid. 2 Q. Did you, in fact, go to Homan Square on 3 that occasion? 4 A. On the day that Sergeant Mills said, 5 you guys need to go there now and pick it up, I 6 did follow his order. 7 Q. Okay. And you didn't have any problem 8 that day when you went there and picked up your 9 star or whatever you needed to pick up? 10 A. No. Because everybody was gone. We 11 went there at night when it was closed up. 12 Q. Okay. 13 (Whereupon, Spalding Deposition 14 Exhibit No. 6 was marked for 15 identification.) 16 BY MR. KING: 17 Q. Officer Spalding, I'm showing you 18 what's been marked as Deposition Exhibit No. 6 19 and ask you to take a look at these. And we can 20 actually just take this page by page. 21 So if you take a look at the first page 22 of Exhibit 6, which indicates it's a Portfolio 23 Report. The subject is you, Shannon Spalding, 24 created by Thomas Mills. Have you ever seen</p>
<p style="text-align: right;">Page 306</p> <p>1 Is there anything else that you're alleging that 2 Sergeant Mills did that was retaliatory? 3 A. There were things that occurred on a 4 daily basis almost and I just at this point 5 can't recall anything further specific at this 6 time. 7 Q. Okay. After you found out that 8 Commander O'Grady didn't want you in Homan 9 Square, did you make any further attempts to go 10 in the Homan Square building before you went out 11 on medical leave? 12 A. I only went there one other time when I 13 was told, given an instruction by Sergeant Mills 14 that I had to go in there because we were issued 15 new stars or badges or something. 16 Q. Sure. 17 A. And that's where we had to go pick them 18 up. And I even told them, Sergeant Mills that I 19 did not want to go into that building without a 20 supervisor escorting me. 21 Q. Okay. 22 A. Because Commander O'Grady had made 23 comments to other officers I would be arrested. 24 Q. Okay.</p>	<p style="text-align: right;">Page 308</p> <p>1 this first page of Exhibit 6 before? 2 A. No. 3 Q. Okay. In the report, Sergeant Mills 4 indicates that he checked the activity of the 5 team and the involved member had low arrest 6 numbers for the time period of January 13, 2001 7 to February 13, 2001. The involved member 8 worked 14 days and had only 2 arrests. 9 As you sit here, do you know if that 10 was correct in terms of your arrest activity 11 during that period? 12 A. I have no idea to know if it's correct. 13 Q. Okay. But you don't recall ever 14 seeing -- well, strike that. 15 Sergeant Mills goes on to say that he 16 will provide the involved member with his 17 activity report. Do you -- did Sergeant Mills 18 regularly provide you with Activity Reports? 19 A. After we started -- after we filed the 20 lawsuit, he began to retaliate against us with 21 activity. 22 MR. KING: Okay. I move to strike that 23 response as nonresponsive. 24</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
309-312

<p style="text-align: right;">Page 309</p> <p>1 BY MR. KING: 2 Q. Did Sergeant Mills regularly provide 3 you with Activity Reports on your activity? 4 A. Not regularly, no. 5 Q. Okay. If you take a look at the second 6 page of Exhibit 6. It indicates, again, it's a 7 Portfolio Report created by Sergeant Mills and 8 you are the subject. Do you recall ever seeing 9 this document? 10 A. I never saw any of these documents 11 before. 12 Q. Okay. Well, he writes that he spoke 13 with the involved member on March 19, 2013 about 14 spending excessive time in the Unit 606. I 15 believe you testified to this, perhaps. 16 Do you recall that Sergeant Mills would 17 tell you that he felt that you were spending 18 excessive time in the unit and should be out on 19 the streets? 20 A. I recall that he did not word it that 21 way. I recall him saying that we should not be 22 in the building, that we, specifically us, 23 should not be in the building and that we should 24 not come in until 11:30.</p>	<p style="text-align: right;">Page 311</p> <p>1 incident may or may not have been on what's 2 documented in this Portfolio Report? 3 A. It was close to that time. 4 Q. Okay. 5 A. It is more than likely this incident. 6 Q. Okay. If you look at the third page, 7 it indicates another Portfolio Report on -- the 8 subject is you, created by Sergeant Mills. 9 This is the incident that you 10 previously testified to, correct? That you made 11 an arrest in the 11th District when you were not 12 assigned to the 11th District, correct? 13 A. This is on the VRI program that I was 14 telling you about, yes. 15 Q. Okay. The next page, another Portfolio 16 Report dated March 24, 2013 says, the involved 17 member failed to make any arrests from the dates 18 of 19 March 2013 until 23 March 2013. 19 As you sit here, do you know whether 20 that's, in fact, correct or not? 21 A. I don't know if those -- if that 22 information is correct or not. 23 Q. Okay. 24</p>
<p style="text-align: right;">Page 310</p> <p>1 Q. Okay. 2 A. And that was his conversation. 3 Q. Okay. As you sit here, do you know 4 whether, in fact, he spoke to you on March 19, 5 2013 about spending excessive time in the unit? 6 A. I know that -- I can't say that it was 7 March 19th, but I can say that one day we left 8 and we did return a couple of hours later 9 because my partner, Officer Echeverria, who had 10 recently been hospitalized and everything, was 11 feeling really ill and wasn't going to be able 12 to remain on the street. 13 Q. Okay. 14 A. But before we could even get a chance 15 to tell him why we were back in the unit, he 16 became very irate and exploded verbally at us 17 screaming at us what were we doing back in the 18 unit and why aren't we out on the street. 19 Q. Okay. 20 A. And at that point, Danny decided not to 21 tell him anything. And I let him finish his 22 rant and then said that he was sick and couldn't 23 continue to work. 24 Q. Okay. And as far as you know, that</p>	<p style="text-align: right;">Page 312</p> <p>1 (Whereupon, Spalding Deposition 2 Exhibit No. 7 was marked for 3 identification.) 4 BY MR. KING: 5 Q. Officer Spalding, I'm showing you 6 another group of documents that's marked as 7 Deposition Exhibit No. 7. And I'll just try to 8 identify them and I'll ask you if you've ever 9 seen these reports before. 10 They appear to be Officer Activity 11 Reports for you, Shannon Spalding, between 12 6/20/2012 and 4/30/2013. Do you recall seeing 13 these documents before or Activity Reports like 14 this? 15 A. I have seen Activity Reports, but I 16 don't know if they were exactly these same 17 reports. 18 Q. Okay. 19 A. Where are you seeing the dates? Okay. 20 Q. And the arrest totals that are listed 21 in Deposition Exhibit 7, you have no basis for 22 knowing whether they're correct or incorrect? 23 Let me strike that. That's a bad question. 24 Do you know whether the arrest activity</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
313-316

<p style="text-align: right;">Page 313</p> <p>1 that's reflected in Deposition 7 is correct or 2 incorrect? 3 A. I have no way of knowing that. 4 Q. Okay. 5 (Whereupon, Spalding Deposition 6 Exhibit No. 8 was marked for 7 identification.) 8 BY MR. KING: 9 Q. Officer Spalding, I'm showing you 10 another document that's been marked Deposition 11 Exhibit No. 8, which indicates anyway that it is 12 a report listing of arrests for Shannon Spalding 13 for January 1, 2013 until the end of the year, 14 December 31, 2013. 15 Are you able to tell me whether or not 16 these arrest reports are correct or incorrect? 17 A. I have no idea. I've never even seen 18 this report before. 19 Q. Okay. You've never seen this report? 20 A. No. 21 Q. Okay. That's fine. 22 If you'll direct your attention to 23 Paragraph 104 of the Complaint, Deposition 24 Exhibit No. 1, and Paragraph 105 and 106. My</p>	<p style="text-align: right;">Page 315</p> <p>1 anyone about the subject of you recording 2 conversations with Sergeant Mills or Sergeant 3 Mills' belief that you were recording 4 conversations with him? 5 A. Only in regards to a CR number with 6 IAD. 7 Q. Okay. Who -- 8 A. It was more -- yeah, a discussion. I 9 wouldn't say a discussion. 10 Q. Okay. Who did you have a discussion 11 with that related to either recording 12 conversations with Sergeant Mills or his belief 13 that you were recording conversations? 14 A. I didn't have a discussion, I was 15 working in -- I reported to work, along with 16 Officer Echeverria, shortly before I went on the 17 medical. 18 Q. Okay. 19 A. And Sergeant Mills stated that two 20 people of the team, Sergeant Steve -- or I'm 21 sorry, Detective Steve Becker and that Roxanne 22 Blarcheck would be in the unit late and that him 23 and the rest of the team were going north. And 24 that he -- and ironically after telling us to be</p>
<p style="text-align: right;">Page 314</p> <p>1 question is this is the incident that you 2 previously testified to, correct? 3 A. Correct. 4 Q. Okay. You mentioned something about 5 secretly recording conversations. Was there 6 some point when you were secretly recording -- 7 MR. SMITH: Objection to the form of 8 the question. 9 MR. KING: Okay. I don't need -- I 10 don't need to allude to the prior question. 11 I'll just ask you. 12 BY MR. KING: 13 Q. Was there any point where you were 14 secretly recording any conversations that you 15 were having with Sergeant Mills? 16 A. No. 17 Q. Okay. Is it your understanding that at 18 some point Sergeant Mills was under the 19 impression that you were recording conversations 20 with him? 21 A. I don't know what Sergeant Mills' 22 impression was of anything. 23 Q. Okay. You never had a -- strike that. 24 Did you ever have a conversation with</p>	<p style="text-align: right;">Page 316</p> <p>1 out on the street more, instructed Danny and I 2 to stay inside the building. 3 Q. Okay. 4 A. Okay. So we followed his instructions 5 and we didn't leave. 6 Q. Okay. 7 A. Shortly after Sergeant Mills left, 8 Sergeant Mike Barz and Sergeant Robert Moscolino 9 from IAD confidential section, approached me. 10 Now, Sergeant Mike Barz was a sergeant involved 11 with Operation Brass Tax with the Ronald Watts 12 situation. 13 Q. Yes. 14 A. So at first when I saw them, I thought 15 that he was coming to talk to us with something 16 with the operation -- 17 Q. Sure. 18 A. -- because that has happened in the 19 past. 20 Q. Okay. 21 A. So when he approached me, he said to 22 me -- I said, oh, hey, you know, Serge, what's 23 going on. Do you need to talk to us about the 24 Watts case? And he said, no. If I told you</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
317-320

<p style="text-align: right;">Page 317</p> <p>1 that you were under arrest right now, are you 2 going to come with me peacefully or not. 3 Q. Sergeant Barz said this? 4 A. Yes. Yes, he did. 5 Q. Okay. And then what else was said? 6 A. I said, no. He said, okay, then we're 7 going to fucking do this here. And he said, get 8 up. And him and the other sergeant escorted me 9 into a room and shut the door and put me between 10 some desks, one sat here, one stood there and I 11 was between two desks like this. 12 And he said, we have criminal federal 13 allegations that you are illegally recording. 14 And he said, these are allegations that you're 15 going to be arrested and charged for and will 16 lose your job over. This is serious. 17 Q. Okay. Did they say anything else in 18 this meeting? 19 A. They said a whole lot for whole long -- 20 a long time. 21 Q. Okay. Did they indicate who you were 22 alleged to be recording? 23 A. Yes. 24 Q. Who?</p>	<p style="text-align: right;">Page 319</p> <p>1 you've already testified to, what else was said 2 in this meeting? 3 A. He said -- I said, I need to know 4 specifically what are you asking me. He said, 5 that you were recording conversations. I said, 6 well, there's different versions of recording. 7 Are you referring to recording as writing down 8 and documenting or are you referring to like 9 tape-recording, video recording. He said, let's 10 just say using your cell phone or using a 11 recording device. 12 Q. Okay. 13 A. I said, no, you know, I have no idea 14 what are you talking about. 15 Q. Okay. 16 A. They continued to question me. And 17 then he said, I'll tell you what, he said, give 18 us your phone right now, which by the way they 19 had out of my reach, and we'll go through it. 20 We'll go through it right now. He goes, I'll 21 tell you what, I have an affidavit here for your 22 phone. I said, an affidavit? You better get a 23 fucking search warrant. 24 Q. Okay.</p>
<p style="text-align: right;">Page 318</p> <p>1 A. Sergeant Mills. 2 Q. Okay. What else was said in this 3 conversation? 4 A. He said to me that -- I said, well, 5 what are the charges? He said, you're not 6 allowed to know that at this time. I can't know 7 specifically what the charges are? He said, no, 8 not at this time, you cannot. 9 Q. By the way, was Officer Echeverria 10 present? 11 A. No, no. 12 Q. Okay. That's my only question. 13 A. Okay. 14 Q. Okay. What else was said in the 15 meeting? 16 A. I was going to tell you. Sorry. 17 As I was walking in the meeting, I was 18 able to get a text off that said, they're 19 arresting me, call our attorney. 20 Q. Okay. 21 A. To Danny Echeverria, okay. 22 Q. Okay. 23 A. But he was not in the room at any time. 24 Q. Okay. What else was -- other than what</p>	<p style="text-align: right;">Page 320</p> <p>1 A. Because now I'm in a corner. You've 2 got me trapped like a rat. 3 Q. Okay. 4 A. And you're alleging all of this stuff. 5 And I said, you want this phone? I said if I 6 walk out of this room without giving you this 7 phone, you will swear there's something 8 incriminating on it and I got rid of it. 9 So I'll tell you what, you can have 10 this phone, but I want you to call my lawyer or 11 let me call my lawyer. And as soon as my lawyer 12 gets here, you can go through the phone with his 13 permission. 14 Q. Okay. 15 A. And he said, okay. He said, all right. 16 Let me ask you something -- 17 Q. So he -- so Barz and Moscolino did not 18 go through your phone, correct? 19 A. No. 20 Q. Is that correct? 21 A. It is correct, they did not go through 22 the phone. 23 Q. Okay. They asked you if you were using 24 any kind of recording device to record Officer</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
321-324

<p style="text-align: right;">Page 321</p> <p>1 Mills. What was your answer to that?</p> <p>2 A. No.</p> <p>3 Q. Okay. What else was said in the</p> <p>4 meeting?</p> <p>5 A. He said -- okay. He said, we have a</p> <p>6 Complaint here. He said, do you have any</p> <p>7 knowledge of anybody that would be dropping</p> <p>8 paper on you. And I immediately thought about</p> <p>9 that whole last day that we walked -- worked VRI</p> <p>10 and Mills saying, the people don't want to work</p> <p>11 with you, they're dropping paper on you, in</p> <p>12 fact, even Chris Dingle dropped paper on you.</p> <p>13 So I said, well, Sergeant Mills had</p> <p>14 mentioned last, and at the time, I knew the</p> <p>15 date, I was able to say the date off the top of</p> <p>16 my head, on such and such a date, it was a</p> <p>17 Sunday we were working, Sergeant Mills had told</p> <p>18 me that people were dropping paper on me.</p> <p>19 He said, Sergeant Mills fucking told</p> <p>20 you that? And I said, yeah. He said, why in</p> <p>21 the fuck would Sergeant Mills give you a</p> <p>22 heads-up and tell you that. I said, what are</p> <p>23 you talking about? Like I said -- he said, why</p> <p>24 would he tell you something like that? I said,</p>	<p style="text-align: right;">Page 323</p> <p>1 said that fucking might have been -- I could</p> <p>2 have been listening to a saved voicemail, I</p> <p>3 could have had Sergeant Mills on speakerphone.</p> <p>4 Q. Sure.</p> <p>5 A. You don't even know that it was</p> <p>6 Sergeant fucking Mills. I said, are you kidding</p> <p>7 me? You've got criminals like the rest of</p> <p>8 Ronald Watts' team still out there not under</p> <p>9 arrest for the crimes they've committed, and you</p> <p>10 have this completely false made-up allegation</p> <p>11 that you're going to detain me for and go to</p> <p>12 prison for?</p> <p>13 Q. Okay.</p> <p>14 A. Okay. And then he said -- I said, did</p> <p>15 you approach Sergeant Mills with this?</p> <p>16 Q. Yes.</p> <p>17 A. And he said, yes, Sergeant Mills is the</p> <p>18 victim. I said, the victim? So you've already</p> <p>19 made a final conclusion on this and you haven't</p> <p>20 even done the investigation, so I'm already</p> <p>21 guilty? And he said, well, of course, he's the</p> <p>22 victim, so I did approach him.</p> <p>23 Q. Okay.</p> <p>24 A. And he said -- I said, you know what,</p>
<p style="text-align: right;">Page 322</p> <p>1 you'll have to go ask Sergeant Mills. And he</p> <p>2 said, well -- he said, okay, with that being</p> <p>3 said --</p> <p>4 Q. Okay. Did you ever learn in that</p> <p>5 meeting or any time after that, who had accused</p> <p>6 you of secretly using a recording device with</p> <p>7 Sergeant Mills?</p> <p>8 A. Yes.</p> <p>9 Q. Who did?</p> <p>10 A. He said, with that being said, I will</p> <p>11 now tell you Colleen Dugan along with -- no, I</p> <p>12 think he just mentioned Colleen at the time, has</p> <p>13 filed a CR number against you --</p> <p>14 Q. Okay.</p> <p>15 A. -- stating that on Monday, on such and</p> <p>16 such a date on a Monday, she observed you in the</p> <p>17 hallway with a recording device that she</p> <p>18 believed could possibly be your cell phone and</p> <p>19 she heard a man's voice coming from the cell</p> <p>20 phone that she believed to be Sergeant Mills.</p> <p>21 Q. Okay.</p> <p>22 A. And she believed that it was a recorded</p> <p>23 conversation. And I said, that's what you're</p> <p>24 detaining me here for? And he said, yes. I</p>	<p style="text-align: right;">Page 324</p> <p>1 this is further fucking retaliation. Because</p> <p>2 Sergeant Mills just told me in that VRI meeting</p> <p>3 that people think that we might still be working</p> <p>4 for IAD. And now you two IAD bosses come up</p> <p>5 here and you pull me in here in front of all</p> <p>6 these coworkers and you're detaining me in here</p> <p>7 and you're just going to solidify their</p> <p>8 thoughts.</p> <p>9 Q. What coworkers were in the office when</p> <p>10 Sergeant Barz and Sergeant Moscolino came and</p> <p>11 took you in the room and interrogated you?</p> <p>12 A. Multiple members of the Bomb and Arson</p> <p>13 team.</p> <p>14 Q. Okay.</p> <p>15 A. Steve Becker, Roxanne Blarcheck was</p> <p>16 there. She walked out, she walked in. I don't</p> <p>17 know if she was there at the exact moment,</p> <p>18 because I was paying attention to them.</p> <p>19 Q. That's fine.</p> <p>20 A. Officer Echeverria. And I don't know</p> <p>21 the names of the people from Bomb and Arson, but</p> <p>22 they were there, as well.</p> <p>23 Q. So Sergeant Barnes informed you that he</p> <p>24 had shared this with Sergeant Mills?</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
325-328

<p style="text-align: right;">Page 325</p> <p>1 A. Yes.</p> <p>2 Q. That there had been a Complaint that</p> <p>3 you were secretly using a recording device</p> <p>4 recording conversations with him; is that fair?</p> <p>5 A. He said that he approached him because</p> <p>6 he was the victim.</p> <p>7 Q. Okay.</p> <p>8 A. And I said, well --</p> <p>9 Q. Other than what you've already</p> <p>10 testified to, do you recall anything else being</p> <p>11 said in that meeting?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. What else?</p> <p>14 A. I said, well, that's great. I said, I</p> <p>15 have a rough enough time with this sergeant</p> <p>16 already, okay, ever since this lawsuit was</p> <p>17 filed. I said, and now you're going to go to</p> <p>18 him and state this false allegation and make my</p> <p>19 work situation 100 times worse.</p> <p>20 You guys worked with me on this</p> <p>21 operation, you were supposed to help me and</p> <p>22 protect me and instead you're make it 100 times</p> <p>23 worse. And I said, now, what was Sergeant</p> <p>24 Mills' reaction? He said, Sergeant Mills stated</p>	<p style="text-align: right;">Page 327</p> <p>1 I'm so close.</p> <p>2 Q. Okay.</p> <p>3 A. And he said, yeah, he said, we are</p> <p>4 holding her, we do have her. I'm questioning</p> <p>5 her regarding these federal charges that I have.</p> <p>6 Q. Yes.</p> <p>7 A. Mike Barz then continued and said, hey,</p> <p>8 listen, listen -- in front of me. He said</p> <p>9 listen, Dan, where are you at, you out of town?</p> <p>10 You're in Washington? We're going to see you</p> <p>11 for the game on Saturday or whatever? Okay,</p> <p>12 I'll see you then. This is my attorney talking</p> <p>13 to the guy that's detaining me, okay.</p> <p>14 Q. Okay.</p> <p>15 A. So now I said -- he said, okay, he</p> <p>16 said, listen, buddy, do my a favor, don't make</p> <p>17 this part of the retaliation in the lawsuit and</p> <p>18 I'll make these charges disappear.</p> <p>19 Q. Who said that?</p> <p>20 A. Mike Barz said that.</p> <p>21 Q. Okay.</p> <p>22 A. To Dan Herbert.</p> <p>23 Q. Okay.</p> <p>24 A. And you're laughing.</p>
<p style="text-align: right;">Page 326</p> <p>1 at no time did he have any knowledge nor did he</p> <p>2 believe that you have ever recorded him at any</p> <p>3 time.</p> <p>4 Q. Okay.</p> <p>5 A. He said that was Sergeant Mills'</p> <p>6 response. So I didn't make your sergeant think</p> <p>7 worse of you.</p> <p>8 The conversation continued and I told</p> <p>9 him, this is just further retaliation. This --</p> <p>10 you guys are coming after me. You know, this is</p> <p>11 a fishing expedition because my conversation</p> <p>12 with the VRI. And I wouldn't elaborate on</p> <p>13 anything. This is a fishing expedition because</p> <p>14 I have a lawsuit filed and people are trying to</p> <p>15 find out if I have recordings that are going to</p> <p>16 surface in the lawsuit or not. I said, that's</p> <p>17 all that this is.</p> <p>18 Q. Okay.</p> <p>19 A. At some point in between this</p> <p>20 conversation, my lawyer Dan Herbert at the</p> <p>21 time called Mike Barz on his cell phone.</p> <p>22 Q. Okay.</p> <p>23 A. And said, I understand you have her.</p> <p>24 And I could hear both sides of the -- because</p>	<p style="text-align: right;">Page 328</p> <p>1 Q. I'm sorry. Go ahead.</p> <p>2 A. Like it's a joke, like something like</p> <p>3 that is funny.</p> <p>4 Q. I'm sorry. I apologize. I was not</p> <p>5 laughing at you.</p> <p>6 A. Yeah, you were.</p> <p>7 And then Mike Barz handed me the phone.</p> <p>8 And my attorney said, don't say another word to</p> <p>9 them. I said you're about 45 minutes too late.</p> <p>10 I want to get the fuck out of here, they're not</p> <p>11 letting me leave.</p> <p>12 Q. Okay.</p> <p>13 A. So when he hung up, I said, am I free</p> <p>14 to go now? And Mike Barz said, no, not yet.</p> <p>15 Sit down.</p> <p>16 Q. Okay.</p> <p>17 A. He said, look, I'm sorry I came at you</p> <p>18 the wrong way. I said, you're right. This</p> <p>19 could be perceived as retaliation.</p> <p>20 He said, you know what, I came here as</p> <p>21 your friend. My intention was to give you a</p> <p>22 heads-up and let you know that I know that these</p> <p>23 are false allegations and let you know that</p> <p>24 these are not going to go anywhere. We know</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
329-332

<p style="text-align: right;">Page 329</p> <p>1 that these are falls allegations. I came here 2 so that you would not be concerned about these 3 because we know that they're going nowhere, we 4 know they're false. 5 Q. Okay. 6 A. And he said and if you're having such a 7 hard time with everything, I'll tell you what, 8 isn't there a way to expedite this whole 9 situation and make it easier on you? I said, I 10 have no idea. Do you know of a way to expedite 11 a federal lawsuit? He said -- I said, oh, you 12 mean drop the lawsuit? And he said, if it makes 13 it easier. 14 I said, I can't and I fucking won't. 15 Am I free to leave now? He said, no. He said, 16 do you have Sergeant Mills' phone number? And I 17 said, yeah. He said, call him. I said, no, you 18 call him. He said, give me his phone number. 19 He said, you are distraught and psychologically 20 not fit to go out for duty. He said, you are 21 too distraught, you are too historical and -- 22 Q. Sergeant Barz said this? 23 A. Yes. He said -- I said, I wasn't 24 before you guys came and did all this to me for</p>	<p style="text-align: right;">Page 331</p> <p>1 McCarthy. He said, you have a great case. He 2 said, they should not have done that to you. 3 That was an arrest and it was completely 4 illegal. However, the problem is the people 5 that would discipline him and make sure that 6 this is corrected is Juan Rivera and you're 7 suing Juan Rivera. 8 He said, in your best interest and for 9 safety reasons, you do have a benefit called 10 medical. And in your extreme situation, you can 11 go on medical because of the stress. It's a 12 stress leave. And I was unfamiliar with that. 13 Because I told him, I'm now to the point that I 14 can't even get in a car without shaking. I 15 don't know what's going to happen next. 16 How can I go chase wanted offenders in 17 that condition? I'm jeopardizing my partner's 18 safety and I'm mentally not able to do this 19 anymore. And he said, for your own good, I 20 advise you not to. I came, we worked days, like 21 the next day on that Sunday. It was like a 22 Thursday. Friday I went to FOP. I worked days 23 on Saturday. Sunday Danny started furlough. I 24 put in time, too for two weeks. Half way</p>
<p style="text-align: right;">Page 330</p> <p>1 the last hour and something. 2 Q. Okay. 3 A. And he said, listen, this is going to 4 disappear. There's going to be no criminal 5 charges, we're going to make this disappear, 6 okay. He called Sergeant Mills and he said, I 7 am -- Sergeant Mills I want to inform you that 8 Officer Spalding is not fit for duty, she's too 9 distraught over this situation and I am sending 10 her home. She is not fit to work the streets. 11 Q. Okay. Was that the last day that you 12 actually worked -- 13 A. No. 14 Q. -- in Fugitive Apprehension? 15 A. No. I worked I believe two more days. 16 Q. Okay. 17 A. But I changed my duty hours to days and 18 I went to FOP the next day to inform them that I 19 was detained, wasn't read my rights -- 20 Q. Okay. 21 A. -- wasn't given the charges and wasn't 22 free to leave even after my attorney called and 23 when I requested my attorney to be called. And 24 I talked to a lawyer there at the time named</p>	<p style="text-align: right;">Page 332</p> <p>1 through that, I went to a therapist. I was just 2 so distraught and everything -- 3 Q. Okay. 4 A. -- and then I went on the medical. 5 Q. Okay. So after the incident with 6 Sergeant Barz, you worked -- well, the following 7 day, you went to FOP? 8 A. Yes. 9 Q. And you worked days? 10 A. Yes, so I could go to FOP. 11 Q. And you're saying there was one more 12 day that -- 13 A. I believe there was like one more day. 14 Q. Okay. So after the incident with -- 15 well, after the incident with Sergeant Barz, did 16 you ever have a conversation with Sergeant Mills 17 about that incident? 18 A. No, I never had a conversation with 19 Sergeant Mills about it. 20 Q. Okay. And at the time of that incident 21 with Sergeant Barz, you had been reassigned from 22 nights to days at that point, correct? 23 A. But I never got to work days because of 24 the incidents that occurred. I never ever</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014

333-336

<p style="text-align: right;">Page 333</p> <p>1 worked one day on days.</p> <p>2 Q. Okay. But you had requested you and</p> <p>3 your partner to go back to days in Fugitive</p> <p>4 Apprehension and you were ultimately sent back</p> <p>5 to days with Sergeant Stack, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. But you actually never reported</p> <p>8 for duty on days with Sergeant Stack, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Okay.</p> <p>11 MR. ECHEVERRIA: Do you want to take a</p> <p>12 break?</p> <p>13 MR. SMITH: Why don't we take a break.</p> <p>14 MR. KING: Yeah, why don't we take a</p> <p>15 break.</p> <p>16 (Whereupon, a short break was</p> <p>17 taken.)</p> <p>18 BY MR. KING:</p> <p>19 Q. Officer Spalding, am I correct that</p> <p>20 your allegations that Sergeant Barnes and</p> <p>21 Sergeant Mills engaged in some retaliation</p> <p>22 against you was all within the time period that</p> <p>23 you were assigned to Fugitive Apprehension?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 335</p> <p>1 great officers, you worked for me before. He</p> <p>2 said, I am about to start a night team; however,</p> <p>3 with your experience, your resource and your</p> <p>4 talents, I believe that it would be a waste to</p> <p>5 put you on the night team. I think you're</p> <p>6 better suited for the day team to work in</p> <p>7 fugitives with the U.S. Marshals on one of the</p> <p>8 teams. Right now, I don't have any openings to</p> <p>9 have you deputized.</p> <p>10 Q. Okay.</p> <p>11 A. However, when the openings come up, I</p> <p>12 will get you -- you will be deputized. He said,</p> <p>13 I'm not saying that you're better than the</p> <p>14 officers that will go on -- that will go on</p> <p>15 night, it's just at this point in your career,</p> <p>16 it's going to be a completely different concept.</p> <p>17 For you, it would be a glorified tact team and</p> <p>18 it would be a big step back in your career.</p> <p>19 Q. Okay. Let me ask it this way. Did you</p> <p>20 understand that in order to be deputized for the</p> <p>21 U.S. Marshals Task Force, your sergeant had to</p> <p>22 recommend you for deputization?</p> <p>23 A. No. I -- later on being -- after I</p> <p>24 have gotten -- at the time with Tom Barnes -- it</p>
<p style="text-align: right;">Page 334</p> <p>1 Q. And since you never reported to work</p> <p>2 with Sergeant Stack, I assume you're not</p> <p>3 alleging that Sergeant Stack retaliated against</p> <p>4 you in any fashion?</p> <p>5 A. Correct.</p> <p>6 Q. When you were in Fugitive Apprehension,</p> <p>7 did you have any understanding of what the</p> <p>8 process was for officers such as yourself to get</p> <p>9 recommended for the U.S. Marshal's Task Force?</p> <p>10 A. Prior to going to Fugitive</p> <p>11 Apprehension, we met with Chief Tom Barnes, as I</p> <p>12 stated earlier. During that time, we met with</p> <p>13 him to tell him what we were involved with with</p> <p>14 Operation Brass Tax since it had concluded.</p> <p>15 Because we wanted to lay all of the</p> <p>16 cards on the table and let him know that we're</p> <p>17 looking to go to a unit where there will be no</p> <p>18 further retaliation and nothing else like this</p> <p>19 will happen anymore.</p> <p>20 Q. Okay. Did he tell you about this</p> <p>21 process, is my question?</p> <p>22 A. Yes, yes.</p> <p>23 Q. Okay. And what did he say about it?</p> <p>24 A. What he said to us is, you two are</p>	<p style="text-align: right;">Page 336</p> <p>1 wasn't explained that way.</p> <p>2 Q. Okay.</p> <p>3 A. He said, I will -- you guys -- I will</p> <p>4 have you guys -- him, being the chief, I think</p> <p>5 he could recommend it.</p> <p>6 Q. Okay.</p> <p>7 A. But after being in Fugitives, on the</p> <p>8 night team, I did learn from Jan Hannah that</p> <p>9 when they picked the people to be deputized on</p> <p>10 that night team, that they did ask the</p> <p>11 sergeants; however, when I did ask Sergeant</p> <p>12 Mills about that --</p> <p>13 Q. Yes.</p> <p>14 A. -- he said that sergeants don't have</p> <p>15 anything to do with that.</p> <p>16 Q. Okay. Sergeant Mills told you</p> <p>17 sergeants don't have anything to do with</p> <p>18 recommending who gets deputized for the U.S.</p> <p>19 Marshal's Task Force?</p> <p>20 A. Yeah. He said with him -- that's what</p> <p>21 he said when we first got to the night team.</p> <p>22 But Jan Hannah told me later that that's not</p> <p>23 accurate.</p> <p>24 Q. Okay. To the best of your knowledge,</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
337-340

<p style="text-align: right;">Page 337</p> <p>1 did Sergeant Barnes or Sergeant Mills ever 2 recommend you and Officer Echeverria for the 3 U.S. Marshal's Task Force? 4 A. Well, I -- I don't -- I didn't even -- 5 when I was in Sergeant Barnes' team, I didn't 6 even have that information or know what it was, 7 so I would have no knowledge. 8 Q. Right. 9 A. And when I asked Sergeant Mills, he 10 said that he -- it wasn't done that way, so I 11 didn't even know. 12 Q. Okay. I assume that's a no? 13 A. No. 14 Q. To the best of your knowledge -- 15 A. No. 16 Q. -- you're not aware of Sergeant Barnes 17 or Sergeant mills recommending you for the U.S. 18 Marshal's Task Force, correct? 19 A. That's correct. 20 Q. Okay. And -- strike that. 21 So we've gotten to the point where you 22 go out on medical leave and you have talked 23 about certain people you complained to about 24 certain things.</p>	<p style="text-align: right;">Page 339</p> <p>1 THE WITNESS: Can you say that again? 2 I'm misunderstanding what you said. Am I what? 3 MR. KING: You can read back the 4 question to her. 5 THE WITNESS: Please. 6 (Whereupon, the record was read 7 as requested.) 8 THE WITNESS: No. As a -- he filed a 9 CR number? 10 (Whereupon, Spalding Deposition 11 Exhibit No. 9 was marked for 12 identification.) 13 BY MR. KING: 14 Q. Let me show you Deposition Exhibit 15 No. 9 and ask you to take a look at that 16 document. It's a Summary Report Digest of the 17 Chicago Police Department. Have you ever seen 18 this document before? 19 A. No, I've never seen this. Is this what 20 my attorney filed? 21 Q. If you look in the allegation section 22 on the first page, it says, the Complainant 23 Attorney Patrick Walsh alleged that at an 24 unknown date, time and location, Chicago Police</p>
<p style="text-align: right;">Page 338</p> <p>1 My question is, did you ever make any 2 Complaint in writing to anyone that you believed 3 you were retaliated against for working on 4 Operation Brass Tax? 5 A. That's not -- you usually talk to a 6 supervisor. No. 7 MR. KING: Okay. Can you read back the 8 question. 9 (Whereupon, the record was read 10 as requested.) 11 THE WITNESS: I don't believe I did. 12 BY MR. KING: 13 Q. Okay. Are you aware that your attorney 14 at the time Patrick Walsh made a Complaint on 15 your and Officer Echeverria's behalf that did 16 result in a CR number being issued? 17 A. No. 18 MR. SMITH: I'm going to object to the 19 form of the question, it assumes facts not in 20 evidence. 21 MR. KING: Well, let's see if we can 22 put it into evidence. 23 MR. SMITH: Complaints that are Civil 24 lawsuits, generate CRs automatically.</p>	<p style="text-align: right;">Page 340</p> <p>1 Officers you and Dan Echeverria were subjected 2 to retaliation from unknown Chicago Police 3 Officers because of their cooperation in an FBI 4 investigation that resulted in the arrest and 5 prosecution of Chicago Police Officers. 6 Is it your testimony that you're not 7 aware of your attorney -- 8 MR. SMITH: I'll object. This is 9 misleading as to the process of how these claims 10 are initiated. 11 MR. KING: Okay. 12 MR. SMITH: I'm going to ask for my 13 client to have a minute to read -- review the 14 materials. 15 MR. KING: Sure. 16 THE WITNESS: I can't even see the 17 materials. Can I talk to you for a minute? 18 MR. SMITH: Can we take a break now or 19 do you want her to finish answering this 20 question? 21 MR. KING: And I don't want to ask an 22 unfair question. I'm not trying to do that. 23 Let me try to ask a better question. 24 THE WITNESS: Well, if you could read</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
341-344

<p style="text-align: right;">Page 341</p> <p>1 this whole thing. My eyes are so blurry from 2 all this crying. If you want to read that to 3 me, then I can answer your question. 4 BY MR. KING: 5 Q. Let me ask it this way. Are you aware 6 that at some point after you filed your lawsuit, 7 there was a CR number that was opened relating 8 to your allegations of retaliation? 9 A. No. This is the first I'm hearing of 10 it. 11 Q. Okay. Do you -- so you don't recall 12 having to make a decision at some point if you 13 wanted to pursue the CR or you just pursued your 14 lawsuit? 15 A. No, never. 16 Q. Okay. Fair enough. 17 (Whereupon, Spalding Deposition 18 Exhibit No. 10 was marked for 19 identification.) 20 BY MR. KING: 21 Q. Officer Spalding, are you familiar with 22 the Independent Police Review Authority? 23 A. I know who they are. 24 Q. Okay. And is it your understanding</p>	<p style="text-align: right;">Page 343</p> <p>1 know. 2 Q. Let me show you another document that's 3 been marked as Deposition Exhibit No. 10 and ask 4 you to take a look at that. 5 Take a look at this first page of 6 Exhibit 10 and just let me know if you've ever 7 seen this e-mail before. 8 A. No. 9 Q. Okay. And as of April 13, 2008, you 10 were still working in Narcotics, correct? 11 A. As of -- yes. 12 Q. And are you familiar with Kevin 13 Navarro? 14 A. Yes. 15 Q. Who was Kevin Navarro? 16 A. He was a lieutenant in Narcotics. 17 Q. Okay. And to the best of your 18 knowledge, was he your lieutenant as of 19 April 13, 2008? 20 A. Yes, I believe he was. 21 Q. And was your sergeant at that time 22 Kevin Johnson? 23 A. In April? 24 Q. In April of 2008.</p>
<p style="text-align: right;">Page 342</p> <p>1 that they investigate complaints of misconduct 2 by police officers? 3 A. Yes. 4 Q. Okay. And when did you -- have you 5 known that your whole career essentially that 6 who IPRA is and that they investigate 7 complaints? 8 A. I don't know that I've known that my 9 whole career. I don't think IPRA has been in 10 existence my whole career. I don't know much 11 about them. You know, I've only had to deal 12 with IAD. 13 Q. Okay. So I'm assuming you never made 14 a -- you or as far as you know, Officer 15 Echeverria never made a Complaint to the 16 Independent Police Review Authority about any of 17 the retaliation that you allege you were 18 subjected to? 19 A. No, I never did. 20 Q. Okay. 21 A. Not that I'm aware of. 22 Q. And as far as you know, Officer 23 Echeverria did not, either, correct? 24 A. No. He didn't, either, as far as I</p>	<p style="text-align: right;">Page 344</p> <p>1 A. Do your records reflect that? I'm not 2 sure who was my sergeant at that time. 3 Q. Okay. But it may have been Kevin 4 Johnson? 5 A. It could have been, yes. 6 Q. Okay. If you would -- if you look at 7 the first line of the e-mail, Page 1 of 8 Exhibit 10, it says, from Kevin Navarro to Nick 9 Roti. It says, boss, here are the personnel 10 assessments. Sergeants were done by me and 11 their personnel were done by them. Do you see 12 that? 13 A. Yes. 14 Q. Okay. And then if you turn to 15 Page 149 -- at the bottom right, it's Page 1495, 16 which says, Lieutenant Kevin Navarro at the top 17 and then Sergeant Kevin Johnson underneath that. 18 Do you see that? 19 A. I do. 20 Q. Okay. And if you turn to the next 21 page, you're identified on the next page 22 correct? 23 A. Correct. 24 Q. Okay. And have you ever seen these</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
345-348

<p style="text-align: right;">Page 345</p> <p>1 pages, 1495 and 1496 before?</p> <p>2 A. I've never seen any of these pages.</p> <p>3 Q. Okay. And during the time that you</p> <p>4 were under Sergeant Kevin Johnson, were these</p> <p>5 the individuals that were also under Sergeant</p> <p>6 Johnson, as far as you know?</p> <p>7 A. Yes.</p> <p>8 Q. Officer -- those listed on Page 1495?</p> <p>9 A. Yes.</p> <p>10 Q. Yes?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Okay, thank you.</p> <p>13 And do you have any knowledge or</p> <p>14 information that as of April 13, 2008 Kevin</p> <p>15 Navarro was aware of your work with the FBI on</p> <p>16 the Watts investigation?</p> <p>17 A. You know, I don't know who knew what at</p> <p>18 what point.</p> <p>19 Q. Do you have any basis for believing</p> <p>20 Kevin Navarro was aware of that as of April 13,</p> <p>21 2008?</p> <p>22 A. I have no proof of that.</p> <p>23 Q. Do you have any basis for believing</p> <p>24 that as of April, 2008, Kevin Johnson was aware</p>	<p style="text-align: right;">Page 347</p> <p>1 yes, with the -- did we talk about that, with</p> <p>2 Bates, where I was told to go out and make the</p> <p>3 drug buy when I didn't feel comfortable?</p> <p>4 Q. Well, why don't you tell me what</p> <p>5 this --</p> <p>6 A. Okay.</p> <p>7 Q. -- your understanding of the incident</p> <p>8 was when you were robbed and --</p> <p>9 A. I was working under Bates, Tyron Bates.</p> <p>10 Q. Okay.</p> <p>11 A. And I don't know and I don't recall if</p> <p>12 we did discuss this today already. But we were</p> <p>13 going to make a narcotics purchase on the West</p> <p>14 Side. We went over this, correct? And I</p> <p>15 explained that I wasn't comfortable going back</p> <p>16 to the situation because my identity had already</p> <p>17 been revealed?</p> <p>18 Q. Yes.</p> <p>19 A. Yes, this is the same subject that we</p> <p>20 talked about.</p> <p>21 Q. Okay. This is the same subject we</p> <p>22 talked about?</p> <p>23 A. Yes.</p> <p>24 Q. And obviously by the date of this</p>
<p style="text-align: right;">Page 346</p> <p>1 of your work on the Watts investigation?</p> <p>2 A. No. I don't know what Kevin Johnson</p> <p>3 may or may not have known, but he was working in</p> <p>4 the FBI building.</p> <p>5 Q. Okay.</p> <p>6 A. So it's possible, I don't know.</p> <p>7 Q. Okay. Do you have any personal</p> <p>8 knowledge of whether Kevin Johnson was aware of</p> <p>9 as of April, 2008 that you were working on the</p> <p>10 Watts investigation?</p> <p>11 A. No personal knowledge.</p> <p>12 Q. Okay. You don't have any knowledge?</p> <p>13 You don't have any knowledge that he was aware</p> <p>14 of that, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. If you look at the first page,</p> <p>17 the e-mail from Kevin Navarro to Nick Roti, the</p> <p>18 second paragraph starts to talk about a robbery</p> <p>19 and battery of you, P.O. Spalding. Is that what</p> <p>20 you previously testified to, that incident?</p> <p>21 A. No.</p> <p>22 Q. Okay. Do you recall what that incident</p> <p>23 was about?</p> <p>24 A. Yes. I was robbed and -- oh, with --</p>	<p style="text-align: right;">Page 348</p> <p>1 e-mail, that incident occurred sometime prior to</p> <p>2 April 13, 2008, would you agree?</p> <p>3 A. I believe it was in February.</p> <p>4 Q. Okay. Of 2008?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. That's fine.</p> <p>7 And later on in the e-mail, Kevin</p> <p>8 Navarro writes, I'm definitely going to have a</p> <p>9 team meeting because there's animosity over this</p> <p>10 incident, a split among team members including</p> <p>11 P.O. Spalding going around the unit bad mouthing</p> <p>12 the team for not backing her up. I don't know</p> <p>13 if you'd agree to bad mouthing, but would you</p> <p>14 agree that you were expressing concern about the</p> <p>15 team not backing you up in that situation?</p> <p>16 A. I was asked by multiple supervisors</p> <p>17 about the incident, and I did express the -- I</p> <p>18 did tell them the incident that did happen and</p> <p>19 they expressed more concern than I did --</p> <p>20 Q. Okay.</p> <p>21 A. -- for the incident and related back to</p> <p>22 me that they were trying to cover that up.</p> <p>23 Q. Okay. Did you express concern in</p> <p>24 connection with that incident about team members</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
349-352

<p style="text-align: right;">Page 349</p> <p>1 not being there to back you up?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And then Kevin Navarro goes on</p> <p>4 to write, quote, I talked to her personally on</p> <p>5 the phone with her from Peoria and asked the</p> <p>6 question specifically about backup and she told</p> <p>7 me she had no problems. Do you believe that's</p> <p>8 correct?</p> <p>9 A. What I do know is that the</p> <p>10 conversations took place when Kevin Navarro --</p> <p>11 prior to his phone call. I don't believe he was</p> <p>12 informed immediately of the situation.</p> <p>13 Q. Okay.</p> <p>14 A. I think it was a day or the next day.</p> <p>15 Q. Okay.</p> <p>16 A. And so these conversations took place</p> <p>17 immediately after the incident.</p> <p>18 Q. I understand. I'm just asking if you</p> <p>19 remember a phone conversation with Kevin</p> <p>20 Navarro.</p> <p>21 A. I do remember Kevin Navarro calling.</p> <p>22 Q. Do you recall that you told him you</p> <p>23 weren't concerned about the team members not</p> <p>24 backing you up or do you not recall that?</p>	<p style="text-align: right;">Page 351</p> <p>1 Q. And we can just look at the first page.</p> <p>2 A. Okay.</p> <p>3 Q. It appears to be what's called a</p> <p>4 Summary Report Digest. It indicates in the</p> <p>5 allegation section that the allegation was that</p> <p>6 a complainant Michael Murphy had made some</p> <p>7 allegations relating to some actions by you and</p> <p>8 Officer Echeverria relating to a dog. Do you</p> <p>9 recall that incident?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And you are aware that as a</p> <p>12 result of that incident, there was a CR number</p> <p>13 and investigation was done, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And do you recall that Joseph</p> <p>16 Stehlik with the Internal Affairs Division was</p> <p>17 the one who conducted that investigation?</p> <p>18 A. I don't recall who conducted it.</p> <p>19 Q. Okay. If you could turn -- strike</p> <p>20 that.</p> <p>21 To the best of your recollection, you</p> <p>22 have not seen this document before?</p> <p>23 A. Well, I was just looking at the front</p> <p>24 page and I don't ever recall seeing a Summary</p>
<p style="text-align: right;">Page 350</p> <p>1 A. I don't recall telling him that I</p> <p>2 wasn't concerned. I remember telling him that I</p> <p>3 was okay.</p> <p>4 Q. Okay. That's fine, that's fine.</p> <p>5 And Tyron Bates, I assume you don't</p> <p>6 have any knowledge that as of when that incident</p> <p>7 occurred, he had any knowledge of your working</p> <p>8 on the Watts investigation?</p> <p>9 A. I have no knowledge of him having</p> <p>10 knowledge.</p> <p>11 Q. Okay.</p> <p>12 (Whereupon, Spalding Deposition</p> <p>13 Exhibit No. 11 was marked for</p> <p>14 identification.)</p> <p>15 BY MR. KING:</p> <p>16 Q. Officer Spalding, I'm showing you</p> <p>17 another document that's been marked Deposition</p> <p>18 Exhibit No. 11 and I will ask you to -- it's a</p> <p>19 lengthy document. But if you could tell me</p> <p>20 whether or not you believe you've seen this</p> <p>21 document before.</p> <p>22 A. I don't think I've ever seen this</p> <p>23 document, the first page of it. I don't know.</p> <p>24 Hold on a second.</p>	<p style="text-align: right;">Page 352</p> <p>1 Report Digest.</p> <p>2 Q. Okay. Do you ever recall seeing any</p> <p>3 report concerning the investigation of this</p> <p>4 incident?</p> <p>5 A. Well, these are the investigator's log,</p> <p>6 so I wouldn't be privilege to this.</p> <p>7 Q. Okay.</p> <p>8 A. I wouldn't have any of this.</p> <p>9 Q. Okay.</p> <p>10 A. This is not what we would see.</p> <p>11 Q. I understand. I'm just checking.</p> <p>12 Just let me know if you think you've</p> <p>13 seen any of these documents before.</p> <p>14 A. Well, I know that I would -- I know</p> <p>15 that I saw a CR number for that.</p> <p>16 Q. Okay.</p> <p>17 A. But I don't -- it's not the same as</p> <p>18 this, I don't believe. But I did see CR</p> <p>19 documents for that.</p> <p>20 Q. Okay. And if you turn to the page at</p> <p>21 the bottom, it's Number 923. And do you see</p> <p>22 that?</p> <p>23 A. Yes.</p> <p>24 Q. It says findings on this page. And it</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
353-356

<p style="text-align: right;">Page 353</p> <p>1 indicates with respect to you, the accused, 2 Shannon Spalding, that allegation that's written 3 here anyway is sustained a violation of Rule 4 4 and sustained a violation of Rule 2. Do you 5 remember learning at some point that the 6 violations against you, in what I'll refer to as 7 the dog incident, had been sustained? 8 A. Yes. 9 Q. Okay. And if you turn to the next 10 page, it indicates that the violations or the 11 allegations against Officer Echeverria were 12 likewise sustained. You learned of that, as 13 well, correct? 14 A. Yes. 15 Q. And if you turn to the following page, 16 which is the recommendation page, you learned 17 that at least -- did you learn at some point 18 that at least the recommendation was a 19 suspension for you and for Officer Echeverria? 20 Did you recall learning that a 21 suspension had been recommended for the both of 22 you? 23 A. I recalled them sustaining that, 24 sustaining it. I don't recall -- I know that we</p>	<p style="text-align: right;">Page 355</p> <p>1 that we were upset and we wanted to file a 2 grievance -- 3 Q. Sure. 4 A. -- because it was sustained. And now 5 that -- I mean, I'm looking at this and four 6 days when you've never -- you know, usually it 7 doesn't -- 8 Q. That's fine. 9 A. -- start out at four days. So we 10 filed -- when we went to file the grievance -- 11 Q. Yes. 12 A. -- we were informed by Kathy, who works 13 at FOP, she said, well, this -- 14 Q. I'm sorry. Go ahead. 15 A. We were informed by Kathy at some point 16 when we were talking to FOP about filing the 17 grievance, that this CR number was made by -- 18 was called in as a favor to the complainant's 19 mother, who actually worked either for Nick Roti 20 or O'Grady as their secretary or something for 21 years. So that is the kid's mother. And so 22 they called it in and then they took the CR 23 number and we were told by -- 24 MR. KING: Okay. I'm just going to</p>
<p style="text-align: right;">Page 354</p> <p>1 filed a grievance on it, so I know it was 2 sustained. 3 Q. Okay. 4 A. But I don't recall the specific -- 5 Q. You don't recall knowing -- 6 A. Yes. 7 Q. -- what the recommended penalty would 8 be? 9 A. Time. Yeah, exactly. But it says it 10 right here. 11 Q. Sure, okay. And ultimately is it your 12 understanding that those findings were changed 13 to not sustained? 14 A. Yeah. We filed a grievance with FOP. 15 Q. Okay. So my question is -- 16 A. Yes. 17 Q. -- ultimately, did you learn that 18 these -- these findings were changed or 19 overruled such that they were not sustained? 20 A. Correct. Ultimately. 21 Q. Okay. And do you have any knowledge of 22 what happened to cause the findings to be 23 changed from sustained to not sustained? 24 A. Yeah. We went to FOP and I remember</p>	<p style="text-align: right;">Page 356</p> <p>1 move to strike that entire answer as 2 nonresponsive to my question. 3 THE WITNESS: Okay. 4 MR. SMITH: Not that striking testimony 5 in a deposition has any meaning at all. It's 6 part of her answer. If you don't want her to 7 answer your question about what they did and why 8 they did it -- 9 MR. KING: Okay. 10 MR. SMITH: -- she could continue. If 11 you want to withdraw the question, then withdraw 12 the question and ask another one. 13 MR. KING: That's a good idea. I'll 14 withdraw the question and I'm moving to strike 15 her answer. 16 MR. SMITH: Again, that has no meaning 17 in a deposition. 18 MR. KING: I appreciate the Civil 19 Procedure lesson. I'll ask -- I'll rephrase my 20 question. 21 BY MR. KING: 22 Q. Are you aware of whether someone 23 intervened on your behalf to change the finding 24 of sustained to not sustained? Do you have any</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
357-360

<p style="text-align: right;">Page 357</p> <p>1 knowledge of that?</p> <p>2 A. I understand that when you file a</p> <p>3 grievance, that there will be a hearing and that</p> <p>4 somebody will review it and make a decision on</p> <p>5 that. That is my understanding.</p> <p>6 Q. Do you know in this particular case how</p> <p>7 the initial finding of sustained came to be</p> <p>8 changed to unsustained?</p> <p>9 A. I was never told by FOP.</p> <p>10 Q. Okay. So you don't know?</p> <p>11 A. No.</p> <p>12 Q. Okay. If I could turn your attention</p> <p>13 to Paragraph 116 of the Amended Complaint of</p> <p>14 Exhibit 1. Paragraph 116 indicates that the</p> <p>15 allegation is that the Defendants -- let me</p> <p>16 strike that.</p> <p>17 Paragraph 116 alleges that as described</p> <p>18 in the preceding paragraphs, Defendants acting</p> <p>19 in concert with known and unknown conspirators,</p> <p>20 reached an understanding to deprive Plaintiffs</p> <p>21 of their Constitutional rights.</p> <p>22 What Defendants are you alleging</p> <p>23 reached an understanding, I guess, to retaliate</p> <p>24 against you?</p>	<p style="text-align: right;">Page 359</p> <p>1 aware of each other's actions, you know.</p> <p>2 Q. Okay.</p> <p>3 A. And Lieutenant Cesario, Barnes, Mills,</p> <p>4 Salemme from 606, they have at different moments</p> <p>5 been witnesses or there when things have taken</p> <p>6 place.</p> <p>7 Q. Okay. So is it your testimony that</p> <p>8 your allegation that the Defendants reached an</p> <p>9 understanding to retaliate against you, that's</p> <p>10 based on your allegation that certain Defendants</p> <p>11 knew about the alleged retaliation of other</p> <p>12 Defendants, is that fair to say?</p> <p>13 A. Yes, they knew about it and failed to</p> <p>14 stop it or report it or engaged in it.</p> <p>15 Q. Okay. Is it your position in the case</p> <p>16 that the Defendants that retaliated against you,</p> <p>17 did they retaliate against you because you spoke</p> <p>18 to the FBI specifically or simply because you</p> <p>19 reported illegal activity on behalf of --</p> <p>20 illegal activity by Watts and others?</p> <p>21 MR. SMITH: I'm going to object, it's a</p> <p>22 compound question as to all the Defendants and</p> <p>23 then --</p> <p>24</p>
<p style="text-align: right;">Page 358</p> <p>1 A. The Defendants named in the lawsuit.</p> <p>2 Q. Okay. So it's your allegation that all</p> <p>3 of the Defendants named in the lawsuit reached</p> <p>4 an understanding to deprive you of your rights,</p> <p>5 is that your testimony?</p> <p>6 A. I'm not sure I understand the question.</p> <p>7 Q. Okay. Well, you testified that all of</p> <p>8 the Defendants named in the case --</p> <p>9 A. The Defendants named in the case.</p> <p>10 Q. The Defendants named in the case you're</p> <p>11 alleging reached an understanding to deprive you</p> <p>12 of your rights. I assume that means to</p> <p>13 retaliate against you, correct?</p> <p>14 A. All the Defendants listed did engage in</p> <p>15 retaliation at some point.</p> <p>16 Q. Okay. You've testified as to all of</p> <p>17 the Defendants engaging in some sort of</p> <p>18 retaliation against you. Is it also your</p> <p>19 testimony that they all reached some</p> <p>20 understanding to engage in this retaliation or</p> <p>21 they -- or they just, on their own, engaged in</p> <p>22 retaliation, if you know?</p> <p>23 A. I don't -- well, like Nick Roti and the</p> <p>24 people from Organized Crime, obviously were</p>	<p style="text-align: right;">Page 360</p> <p>1 BY MR. KING:</p> <p>2 Q. My question is, is it your belief that</p> <p>3 they retaliated against you because you went to</p> <p>4 the FBI or simply because you had,</p> <p>5 quote-unquote, ratted on fellow police officers?</p> <p>6 A. I believe that they retaliated against</p> <p>7 my partner and myself because we went to an</p> <p>8 outside agency to report criminal conduct within</p> <p>9 the department that wasn't being addressed by</p> <p>10 the department and we broke the code of silence</p> <p>11 and reported supervisors within the department</p> <p>12 to outside agencies so --</p> <p>13 Q. Okay. And were you finished with your</p> <p>14 answer?</p> <p>15 A. I could be.</p> <p>16 Q. Okay. You mentioned this code of</p> <p>17 silence. As you understand the code of silence,</p> <p>18 it's that you're -- I guess tell me what's your</p> <p>19 understanding of what that means, the code of</p> <p>20 silence?</p> <p>21 A. Well, I'm sure it's not the first time</p> <p>22 that you've heard of the code of silence. But</p> <p>23 even when you're in the academy, they tell you</p> <p>24 the fastest way to ruin your career is go</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
361-364

<p style="text-align: right;">Page 361</p> <p>1 against another police officer. So you know</p> <p>2 that from the minute you walk in, that is taboo</p> <p>3 within the department. Look the other way or</p> <p>4 whatever.</p> <p>5 Q. Okay.</p> <p>6 A. And if you don't, it will cost you your</p> <p>7 career, as we are examples of.</p> <p>8 Q. Okay. So your understanding of the</p> <p>9 code of silence is that you're not supposed to</p> <p>10 report criminal or illegal activity by other</p> <p>11 officers; is that correct?</p> <p>12 A. My understanding of it is it is not</p> <p>13 looked favorably by other officers or</p> <p>14 supervisors if you are going against other</p> <p>15 officers or reporting it. It's not -- it</p> <p>16 doesn't make you popular. It will damage you</p> <p>17 and make you an outsider.</p> <p>18 Q. Okay. And that -- your understanding</p> <p>19 is the same whether they're -- you know, I'll</p> <p>20 strike that.</p> <p>21 If I could turn your attention to</p> <p>22 Paragraph 120 of the Complaint. And just have</p> <p>23 you take a look at Paragraph 112(a). Are you</p> <p>24 aware of any authority, any particular authority</p>	<p style="text-align: right;">Page 363</p> <p>1 documents, are you aware of specifically what</p> <p>2 authority the superintendent of police has</p> <p>3 delegated to individuals at the chief level?</p> <p>4 A. I have not seen any documents from the</p> <p>5 superintendent to the chiefs.</p> <p>6 Q. Okay. You -- there's an allegation in</p> <p>7 Paragraph 112(c) that -- strike that.</p> <p>8 Is it your allegation in this case that</p> <p>9 the superintendent of police, whoever the</p> <p>10 superintendent was at any particular time, was</p> <p>11 personally involved in any retaliation against</p> <p>12 you?</p> <p>13 A. Did the superintendent --</p> <p>14 Q. Yes.</p> <p>15 A. -- retaliate against me personally?</p> <p>16 Q. Yes.</p> <p>17 A. No.</p> <p>18 Q. Or the same for Officer Echeverria, as</p> <p>19 far as you know?</p> <p>20 A. As far as I know.</p> <p>21 Q. Okay. And --</p> <p>22 MR. KING: Can we take a quick a break?</p> <p>23 MR. SMITH: Sure.</p> <p>24</p>
<p style="text-align: right;">Page 362</p> <p>1 that the Chicago City Council has delegated to</p> <p>2 the superintendent of police?</p> <p>3 A. Personally?</p> <p>4 Q. Yes.</p> <p>5 A. No.</p> <p>6 Q. Okay. Are you personally aware of any</p> <p>7 authority that the superintendent of police may</p> <p>8 have delegated to chiefs?</p> <p>9 A. What do you mean by that? Like what,</p> <p>10 the authority he allows them to have in their</p> <p>11 position?</p> <p>12 Q. My question is, are you aware of any</p> <p>13 authority that the superintendent of police,</p> <p>14 specific authority that a superintendent has</p> <p>15 delegated to chiefs?</p> <p>16 A. I know the authority that the chiefs</p> <p>17 have under their position.</p> <p>18 Q. Well, what's your understanding of the</p> <p>19 authority that the chiefs have?</p> <p>20 A. What division are you talking about?</p> <p>21 Do I know what the superintendent personally</p> <p>22 assign to chiefs or authorize them to do</p> <p>23 personally, no.</p> <p>24 Q. Either personally or based on</p>	<p style="text-align: right;">Page 364</p> <p>1 (Whereupon, a discussion was had</p> <p>2 off the record.)</p> <p>3 BY MR. KING:</p> <p>4 Q. I don't think I asked this. Am I</p> <p>5 correct that the alleged retaliation that you</p> <p>6 say was engaged in by Commander Salemme and</p> <p>7 Lieutenant Cesario was all during the period</p> <p>8 that you were assigned the Fugitive</p> <p>9 Apprehension?</p> <p>10 A. You're correct.</p> <p>11 Q. And with respect to Nick Roti, other</p> <p>12 than your allegation that he did not allow you</p> <p>13 to come back to work in Narcotics, is that the</p> <p>14 extent of the alleged retaliation by Nick Roti?</p> <p>15 A. No.</p> <p>16 Q. Okay. How else did Nick Roti retaliate</p> <p>17 against you?</p> <p>18 A. By allowing Commander O'Grady to</p> <p>19 continue his retaliation against me, you know.</p> <p>20 Q. Okay. So other than not allowing you</p> <p>21 back in the unit and to your knowledge Roti</p> <p>22 allowing O'Grady to continue to retaliate, was</p> <p>23 that the extent of the retaliation that you're</p> <p>24 alleging by Nick Roti?</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
365-368

<p style="text-align: right;">Page 365</p> <p>1 A. No.</p> <p>2 Q. Okay. What else?</p> <p>3 A. After Echeverria tried to make attempts</p> <p>4 to make the phone call, his conversation with</p> <p>5 Juan Rivera telling us, you know, never to</p> <p>6 contact him, we're never going to be allowed in</p> <p>7 Organized Crime, we'll never go to any task</p> <p>8 force, that conversation.</p> <p>9 Q. Okay.</p> <p>10 A. Other than that --</p> <p>11 Q. Maybe I'll ask it this way.</p> <p>12 A. Other than that --</p> <p>13 Q. Other than what you've already</p> <p>14 testified to, is there anything else that you're</p> <p>15 alleging is a retaliation by Nick Roti?</p> <p>16 A. No.</p> <p>17 Q. Okay. You testified that the</p> <p>18 superintendent you didn't believe was engaged in</p> <p>19 retaliation. Is it your position in this case</p> <p>20 that the superintendent of police is somehow</p> <p>21 responsible for the retaliation that you</p> <p>22 suffered?</p> <p>23 A. The superintendent never engaged in</p> <p>24 retaliation against --</p>	<p style="text-align: right;">Page 367</p> <p>1 any personal knowledge of the superintendent of</p> <p>2 police being aware of any of the alleged</p> <p>3 retaliation against you before you filed the</p> <p>4 lawsuit and it became public?</p> <p>5 A. No.</p> <p>6 Q. Okay. You talked about this code of</p> <p>7 silence. And my question to you is other than</p> <p>8 what you allege has happened to you and your</p> <p>9 partner, Dan Echeverria, are you aware of any</p> <p>10 other officers whom you believe have been</p> <p>11 retaliated against for violating this so-called</p> <p>12 code of silence?</p> <p>13 A. Michael Spaargaren.</p> <p>14 Q. Okay.</p> <p>15 A. S-P-A-A-R-G-A-R-E-N.</p> <p>16 Q. And what's your understanding of what</p> <p>17 Michael Spaargaren did? Is this what you</p> <p>18 previously testified to?</p> <p>19 A. It's in addition to.</p> <p>20 Q. Okay. What's your understanding of</p> <p>21 what Michael Spaargaren did to violate or breach</p> <p>22 the code of silence and what retaliation do you</p> <p>23 believe happened to him?</p> <p>24 A. When we were in Public Housing South,</p>
<p style="text-align: right;">Page 366</p> <p>1 Q. I understand.</p> <p>2 A. -- my partner or I.</p> <p>3 Q. And I'm asking is it your position that</p> <p>4 nevertheless -- and I'm not saying that it is.</p> <p>5 Is it your position that nevertheless the</p> <p>6 superintendent is somehow responsible for those</p> <p>7 under him who engaged in retaliation?</p> <p>8 MR. SMITH: I object it calls for a</p> <p>9 legal conclusion.</p> <p>10 THE WITNESS: I think that the</p> <p>11 superintendent is responsible for his chiefs</p> <p>12 underneath him and the actions that they do.</p> <p>13 And when there is retaliation to this extent and</p> <p>14 he was involved in the operation, that it -- you</p> <p>15 know with the -- all of -- all of this, that,</p> <p>16 you know, once he becomes aware of this, you</p> <p>17 know, it is his responsibility to address it.</p> <p>18 BY MR. KING:</p> <p>19 Q. Okay. And are you aware of any of the</p> <p>20 retaliation that the superintendent was actually</p> <p>21 aware of?</p> <p>22 A. I'm sure he was made aware of the</p> <p>23 lawsuit.</p> <p>24 Q. My question is, are you -- do you have</p>	<p style="text-align: right;">Page 368</p> <p>1 at one point he was placed on Sergeant Ronald</p> <p>2 Watts' team. And he began to personally observe</p> <p>3 activity that he believed was not according to</p> <p>4 the rules and regulation of the police</p> <p>5 department and he started to question their</p> <p>6 conduct.</p> <p>7 He had a -- he confronted Sergeant</p> <p>8 Watts about it, at which point Sergeant Watts</p> <p>9 then told him that -- Sergeant Watts threatened</p> <p>10 him and told him that he needs to keep his mouth</p> <p>11 shut and you know what, you'll be the one that I</p> <p>12 do the paper on. Don't -- you know, you're not</p> <p>13 going to question what I do. I'm the</p> <p>14 supervisor.</p> <p>15 Q. Okay.</p> <p>16 A. And they got into a verbal altercation</p> <p>17 over it, to the point that Michael Spaargaren</p> <p>18 then went to lieutenant -- the lieutenant of</p> <p>19 Public Housing at the time.</p> <p>20 Q. Do you recall who that was?</p> <p>21 A. Yes. It was Spratt, S-P-R-A-T-T. At</p> <p>22 which point the lieutenant told Michael</p> <p>23 Spaargaren that he better not go to IAD and</p> <p>24 report any of this, that basically he would be</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
369-372

<p style="text-align: right;">Page 369</p> <p>1 done and he better keep his mouth shut.</p> <p>2 Q. Okay.</p> <p>3 A. And at that point, Michael Spaargaren</p> <p>4 began to fear that he would get a false case put</p> <p>5 on him or false papers. So he turned in his</p> <p>6 papers -- he went down to headquarters to take a</p> <p>7 leave of absence in fear of what would happen.</p> <p>8 Q. Okay. And what you just testified to</p> <p>9 that Lieutenant Spratt allegedly said to Michael</p> <p>10 Spaargaren, you got that from Michael</p> <p>11 Spaargaren, correct?</p> <p>12 A. I got that from Michael Spaargaren.</p> <p>13 But also I heard them arguing upstairs.</p> <p>14 Q. Okay.</p> <p>15 A. I heard them screaming, so I could hear</p> <p>16 part of that argument and I heard Spratt yelling</p> <p>17 at him.</p> <p>18 Q. I understand Michael feared that there</p> <p>19 might be some retaliation against him. He went</p> <p>20 on leave, I think you said?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay. Are you aware of any actual</p> <p>23 retaliation that happened to Michael Spaargaren?</p> <p>24 A. No. He left -- he left the job then.</p>	<p style="text-align: right;">Page 371</p> <p>1 A. Well, I do know that like they told me</p> <p>2 their brief story.</p> <p>3 Q. Okay.</p> <p>4 A. And so I knew their incident. One</p> <p>5 person said that he had worked with Ronnie Watts</p> <p>6 and when he complained about him in the 2nd</p> <p>7 District, he was launched off. And I don't</p> <p>8 remember if he said he was put on midnights</p> <p>9 somewhere on foot patrol or something, but he</p> <p>10 had made it to traffic or something now. But,</p> <p>11 you know, situations like that.</p> <p>12 Q. Okay.</p> <p>13 A. But, you know, these officers would</p> <p>14 know me from media and come up to me.</p> <p>15 Q. Sure.</p> <p>16 A. And I don't know these officers. I</p> <p>17 don't remember their names.</p> <p>18 Q. Other than what you've already</p> <p>19 testified to, are you aware of any other</p> <p>20 officers who to your knowledge breached the code</p> <p>21 of silence and suffered some kind of</p> <p>22 retaliation?</p> <p>23 A. I could possibly be aware of incidents</p> <p>24 that I don't recall right now.</p>
<p style="text-align: right;">Page 370</p> <p>1 Q. Okay.</p> <p>2 A. And then they changed the rules after</p> <p>3 about a year and a half or two years, and he</p> <p>4 came back.</p> <p>5 Q. Okay. And he came back?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And since Michael Spaargaren has</p> <p>8 come back to work, are you aware of any</p> <p>9 retaliation that he suffered?</p> <p>10 A. I'm not aware.</p> <p>11 Q. Okay. Other than you and your partner</p> <p>12 and Michael Spaargaren, are you aware of any</p> <p>13 other officers who to your understanding</p> <p>14 breached this code of silence and suffered any</p> <p>15 retaliation?</p> <p>16 A. You know, a couple officers, after I</p> <p>17 became public with this, did approach me and I</p> <p>18 don't -- I don't know their names now.</p> <p>19 Q. Okay.</p> <p>20 A. And did approach me with their</p> <p>21 situations, but I don't know their names.</p> <p>22 Q. Okay. You don't know -- it's fair to</p> <p>23 say you don't know their names or the details of</p> <p>24 their situations?</p>	<p style="text-align: right;">Page 372</p> <p>1 Q. Okay. At any time that you were</p> <p>2 suffering alleged retaliation, am I correct that</p> <p>3 your pay was not cut, correct?</p> <p>4 A. No. My salary?</p> <p>5 Q. Was your salary ever cut?</p> <p>6 A. No.</p> <p>7 Q. And, in fact, did you receive any</p> <p>8 salary increases during the period of time that</p> <p>9 you allege you were suffering retaliation?</p> <p>10 A. To be honest, I don't know. I have</p> <p>11 direct deposit, I never looked at my checks. If</p> <p>12 there was an increase, I didn't notice it.</p> <p>13 Q. Okay. Do you know what your last</p> <p>14 salary was before your pay was stopped?</p> <p>15 A. I don't even open up my W2s. I just</p> <p>16 bring them to the accountant.</p> <p>17 Q. So you don't know?</p> <p>18 A. No.</p> <p>19 Q. Okay. And I assume also -- well,</p> <p>20 strike that.</p> <p>21 And during the period that you</p> <p>22 allegedly suffered retaliation, none of your</p> <p>23 employment benefits were cut, correct?</p> <p>24 A. Correct.</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
373-376

<p style="text-align: right;">Page 373</p> <p>1 Q. Okay. And are you alleging that you 2 suffered any monetary losses as a result of the 3 alleged retaliation? 4 A. Well, I did -- you know, the 5 retaliation resulted in me not being able to 6 come to work now, it's resulted in me applying 7 for disability because of the post-traumatic 8 stress disorder, it's resulted in the City 9 doctor saying that me ever returning to legal 10 work -- I mean, to law enforcement, is very 11 unlikely. So it's negatively effected my income 12 ultimately, yes. 13 Q. So at this point, the monetary loss 14 that has been the result of the alleged 15 retaliation, would you agree that it is the fact 16 that you're no longer getting your full salary 17 while you're on disability? 18 A. Or allowed to work overtime or have the 19 chance to advance or any of that. 20 Q. Okay. And with respect to overtime, 21 are you alleging that the retaliation impacted 22 your ability to work overtime just in Fugitive 23 Apprehension or in any other units? 24 A. Well, there --</p>	<p style="text-align: right;">Page 375</p> <p>1 how much overtime you may have lost or believe 2 you lost as a result of the alleged retaliation? 3 A. I can't guess what I would have been -- 4 worked or not worked. 5 Q. Sure, that's fair. 6 Is it true that when you were working 7 on the third watch in Fugitive Apprehension, 8 you -- did you ever have to also go to court 9 during the days? 10 A. No. 11 Q. Okay. You've alluded to that you've 12 seen some medical professionals in connection 13 with I guess medical conditions that you're 14 alleging were the result of the retaliation; is 15 that correct? 16 A. I'm not alleging. They are a result of 17 the retaliation. 18 Q. Okay. And can you tell me who each of 19 those medical providers were? 20 A. The Therapist Deborah Weaver. 21 Q. Okay. 22 A. Psychiatrist Dr. Kaiser, Psychiatrist 23 Nancy Landre. 24 Q. Okay. Anyone else?</p>
<p style="text-align: right;">Page 374</p> <p>1 Q. Well, strike that. Let me ask you. 2 With respect to the -- your claim that 3 the retaliation, are you alleging that that 4 caused you to lose overtime opportunities? 5 A. The retaliation? 6 Q. Yes. 7 A. Yes. 8 Q. Okay. Do you have any knowledge as you 9 sit here of how much overtime you claim that 10 you've lost as a result of alleged retaliation? 11 A. I lost the possibility to working 12 overtime. There was no overtime in the units I 13 was put in like 126 or things like that. For us 14 like to work later investigations or things like 15 that, like that was limited. 16 Q. It was limited overtime opportunities? 17 A. Yeah, in some of the units. Like in 18 606, we weren't going to be working overtime 19 unless we worked our days off. 20 Q. Okay. 21 A. So it was limited where you couldn't 22 stay late. We couldn't stay late. 23 Q. Sure, okay. 24 Do you have any knowledge of in dollars</p>	<p style="text-align: right;">Page 376</p> <p>1 A. Yes. I saw a doctor at the University 2 of Chicago for some stress-related testing for 3 the physical effects. I don't remember his 4 name. If you said the name -- 5 Q. Is that Dr. Robert Sargis? 6 A. Yes. 7 Q. Okay. 8 A. If you say the names, I could tell you 9 what they did. 10 Q. Okay. Do you recall anyone else who 11 provided any treatment to you? 12 A. Dr. Jessica Dietheim from Rush. 13 Q. Okay. 14 A. And then I went to see a cardiologist 15 at Rush, Dr. Jolly. 16 Q. Okay. Do you recall visiting at any 17 time -- does the name Joleen Hartland or Genesis 18 ring a bell to you? 19 A. Yes, I did. I did go see her at times 20 for -- she's a therapist, as well. 21 Q. Okay. 22 A. I'm trying to think. There may be one 23 other name that you have on the list that I 24 can't --</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
377-380

<p style="text-align: right;">Page 377</p> <p>1 Q. Okay. I'll just ask you a few 2 questions. Our records, and we've obtained 3 records from all these providers, of course, 4 indicate that your first visit with Deborah 5 Weaver was on April 4, 2013. Do you have any 6 reason to doubt that? 7 A. No. 8 Q. Okay. And we've seen records that 9 indicate that you visited Joleen Hartland on 10 May 11, 2013. Do you have any reason to doubt 11 that? 12 A. No, no. 13 Q. Do you recall having just that one 14 visit with Joleen Hartland or more than one? 15 A. No. I went to her multiple times, but 16 I don't recall how many times. 17 Q. Okay. And do you have any reason to 18 doubt that May 11, 2013 was the first time you 19 visited her? 20 A. No. 21 Q. Okay. And our records indicate a visit 22 to the doctor you mentioned, Jessica at Rush 23 University Medical Center on June 5, 2013. Do 24 you have any reason to question that?</p>	<p style="text-align: right;">Page 379</p> <p>1 first visit with him was on February 3, 2014. 2 Do you have any reason to doubt that? 3 A. No. For some strange reason, I 4 remember that day. 5 Q. Okay. And Nancy Landre you testified 6 to, you visited her on one occasion, correct? 7 A. Correct. 8 Q. Okay. And our records indicate that 9 that evaluation was done on July 15, 2014. Does 10 that sound correct? 11 A. That is correct. 12 Q. Okay. And the only other person I 13 think you mentioned was a Dr. Jolly? 14 A. Yes. I went to see him once. He was a 15 cardiologist. But I was having chest pains. 16 Q. Do you recall when you visited 17 Dr. Jolly? 18 A. I was -- no, I don't. 19 Q. Okay. In the other visits we've talked 20 about with medical professionals, the first one 21 appears to be the visit with Deborah Weaver on 22 April 4, 2013. Do you know if your visit to 23 Dr. Jolly was after that date? 24 A. After that? You know what, I believe</p>
<p style="text-align: right;">Page 378</p> <p>1 A. No. 2 Q. Do you know if you had the one visit 3 with Dr. Jessica, I guess it's, Dietheim -- 4 A. Yeah. 5 Q. -- or multiple visits? 6 A. One visit. 7 Q. Okay. And Dr. Robert Sargis at the U 8 of C Medical Center, our records indicate you 9 visited on December 5th of 2013. Any reason to 10 doubt that? 11 A. No. 12 Q. Did you have one visit with Dr. Sargis 13 or multiple? 14 A. I had one visit with Dr. Sargis and 15 then one return visit, but that was for labs, 16 for Dr. Sargis. And then two phone 17 consultations over the phone with Dr. Sargis. 18 Q. Any reason to doubt that the one main 19 visit with Dr. Sargis was on December 5, 2013? 20 A. No. 21 Q. Okay. And you mentioned Dr. David 22 Kaiser. 23 A. Kaiser. 24 Q. Kaiser. Our records indicate that your</p>	<p style="text-align: right;">Page 380</p> <p>1 it was before that. 2 Q. Okay. 3 A. I believe I was still working at the 4 time in Fugitives, but I would have to check 5 that date for you. 6 Q. Okay. 7 A. I believe I was working at Fugitives 8 but -- 9 Q. But you're not positive? 10 A. I can't be positive. I'd have to check 11 for you. 12 Q. Okay. And you went to Dr. Jolly 13 because you were having chest pains? 14 A. Yeah, I was having chest pains. It was 15 from anxiety, but I didn't know they were 16 increasing. 17 Q. Okay. And do you recall where 18 Dr. Jolly's office is or what the address is? 19 A. Yeah. He's at Rush Professional 20 Building. 21 Q. Okay. 22 A. And that's like 1340 West Harrison or 23 something. 24 Q. Okay. Was he the one that referred you</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
381-384

<p style="text-align: right;">Page 381</p> <p>1 to Deborah Weaver?</p> <p>2 A. Did he refer me to Deborah Weaver?</p> <p>3 Q. Yes.</p> <p>4 A. No. Jessica Dietheim said that I</p> <p>5 should see somebody.</p> <p>6 Q. Okay. You don't know when you visited</p> <p>7 Dr. Jolly, whether it was before you went on</p> <p>8 medical leave or after?</p> <p>9 A. I want to say it was before, but as I</p> <p>10 stated, I'm not 100 percent positive.</p> <p>11 Q. Okay. And is he located in the same</p> <p>12 building as Jessica Dietheim at Rush?</p> <p>13 A. I think they are in the same building.</p> <p>14 Q. Okay. And did you have just one visit</p> <p>15 with Dr. Jolly or multiple?</p> <p>16 A. No, just one.</p> <p>17 Q. Okay. And you indicated that it was</p> <p>18 his diagnosis that you were having chest pains</p> <p>19 from stress?</p> <p>20 A. It was his diagnosis that he believed</p> <p>21 that it was not a heart attack or heart related,</p> <p>22 but it was anxiety, stress related.</p> <p>23 Q. Okay. Would I be correct to say that</p> <p>24 all of the medical professionals that you</p>	<p style="text-align: right;">Page 383</p> <p>1 A. Dr. Sargis said that my condition is</p> <p>2 stress-related and recommended that I see a</p> <p>3 psychiatrist.</p> <p>4 Q. Okay. You referred to Nancy Landre as</p> <p>5 the City of Chicago's doctor. Who referred you</p> <p>6 to see Nancy Landre?</p> <p>7 A. That came -- I don't -- I don't</p> <p>8 remember her name, but she is like a medical</p> <p>9 caseworker for the City.</p> <p>10 Q. Okay.</p> <p>11 A. And she notified me that an appointment</p> <p>12 was made on that date and that I needed to go</p> <p>13 there for an evaluation.</p> <p>14 Q. Okay. And the person that sent you for</p> <p>15 the evaluation with Nancy Landre, do you recall</p> <p>16 were they with the pension board?</p> <p>17 A. Yes, I think it was the case management</p> <p>18 for -- I don't know if they worked at the</p> <p>19 pension board or it's a company that -- it's</p> <p>20 somebody that the pension board uses.</p> <p>21 Q. Okay.</p> <p>22 A. Or I don't know if they are employed at</p> <p>23 the pension board.</p> <p>24 Q. Okay. And you were -- other than what</p>
<p style="text-align: right;">Page 382</p> <p>1 visited, all of the information that they</p> <p>2 received as to what was allegedly happening to</p> <p>3 you at work at the Chicago Police Department was</p> <p>4 provided to them by you?</p> <p>5 THE WITNESS: Well, yeah.</p> <p>6 MR. SMITH: Objection, foundation.</p> <p>7 BY MR. KING:</p> <p>8 Q. And that would have been both things</p> <p>9 that you told them verbally and in some cases</p> <p>10 you provided some documents to some of the</p> <p>11 medical professionals, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And were you at some point</p> <p>14 diagnosed with any particular condition by any</p> <p>15 of the medical professionals that we've talked</p> <p>16 about?</p> <p>17 A. Yes.</p> <p>18 Q. And who diagnosed you with what?</p> <p>19 A. Deborah Weaver with post-traumatic</p> <p>20 stress disorder; Dr. Kaiser post-traumatic</p> <p>21 stress disorder, anxiety disorder; the City of</p> <p>22 Chicago's Dr. Nancy Landre, post-traumatic</p> <p>23 stress disorder, anxiety, mood disorder.</p> <p>24 Q. Anything else?</p>	<p style="text-align: right;">Page 384</p> <p>1 you've testified to, are there any other</p> <p>2 conditions that you've been diagnosed with that</p> <p>3 you're claiming is a result of the retaliation</p> <p>4 in this case?</p> <p>5 A. No, not that I recall. No.</p> <p>6 Q. Okay. Did any of the medical</p> <p>7 professionals you saw prescribe any medications</p> <p>8 for you?</p> <p>9 A. Yes, they did.</p> <p>10 Q. Okay. Who prescribed what medication</p> <p>11 for you?</p> <p>12 A. I don't remember the names of the</p> <p>13 medication that Dr. Sargis -- it was anxiety</p> <p>14 medicine.</p> <p>15 Q. Okay.</p> <p>16 A. And I don't remember the names of the</p> <p>17 medicine that Jessica Dietheim prescribed, but</p> <p>18 it was also for anxiety.</p> <p>19 Q. Okay.</p> <p>20 A. And Dr. Kaiser has given me Clonazepam.</p> <p>21 I know I'm going to get it wrong. It's tromp --</p> <p>22 they're -- there's three different anxiety</p> <p>23 medicines.</p> <p>24 Q. Okay. Have all of the medicines to</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
385-388

<p style="text-align: right;">Page 385</p> <p>1 your knowledge that have been prescribed to you</p> <p>2 anti-anxiety medications?</p> <p>3 A. They are supposed to help alleviate the</p> <p>4 anxiety and post-traumatic stress disorder. So</p> <p>5 if they're classified as anti-anxiety or</p> <p>6 something else, but they're for that reason.</p> <p>7 Q. Okay. So all the medications that</p> <p>8 you've been prescribed, it's your understanding</p> <p>9 that they were to help with the anxiety --</p> <p>10 A. Related to the --</p> <p>11 Q. -- related to the post-traumatic stress</p> <p>12 disorder?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And have you consistently taken</p> <p>15 all of the medications that have been prescribed</p> <p>16 for you by each of your doctors?</p> <p>17 A. With Dr. Sargis he said to try it and</p> <p>18 see how it worked and then to see a</p> <p>19 psychiatrist. And the medicine he gave me, did</p> <p>20 not work. And I do take the medicine that I'm</p> <p>21 prescribed from my psychiatrist regularly, yes.</p> <p>22 Q. And that's Deborah Weaver?</p> <p>23 A. No. Dr. Kaiser.</p> <p>24 Q. Dr. Kaiser, okay. So at this point,</p>	<p style="text-align: right;">Page 387</p> <p>1 MR. KING: I'm sorry, yes.</p> <p>2 MR. SMITH: Thank you.</p> <p>3 MR. KING: There you go. Yeah.</p> <p>4 MR. SMITH: Thank you.</p> <p>5 BY MR. KING:</p> <p>6 Q. And they seem to be according to date</p> <p>7 or some dates beginning on November 1, 2012.</p> <p>8 Did you keep these on some kind of calendar?</p> <p>9 A. On the Gmail calendar.</p> <p>10 Q. Explain that to me.</p> <p>11 A. You know how you can just go onto your</p> <p>12 phone calendar --</p> <p>13 Q. Okay.</p> <p>14 A. -- and type it in? That's what I would</p> <p>15 do. Or you could do it from your computer.</p> <p>16 Q. Okay. And would you always do it on</p> <p>17 your phone or sometimes on the computer?</p> <p>18 A. I would do it at different times.</p> <p>19 Q. Okay. My question to you is did you</p> <p>20 always type this information in on the dates</p> <p>21 that's indicated or would you sometimes do it</p> <p>22 later and go back and type it in?</p> <p>23 A. These notes would pretty much be taken</p> <p>24 like it would depend on the day. I might write</p>
<p style="text-align: right;">Page 386</p> <p>1 are you taking any medication?</p> <p>2 A. Yes, I am on three medicines and I</p> <p>3 don't recall the names of all of them.</p> <p>4 Q. Okay. And those are medications that</p> <p>5 Dr. Kaiser prescribed for you?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 (Whereupon, Spalding Deposition</p> <p>9 Exhibit No. 12 was marked for</p> <p>10 identification.)</p> <p>11 BY MR. KING:</p> <p>12 Q. Ms. Spalding, I'm showing you now</p> <p>13 what's been marked as Deposition Exhibit</p> <p>14 No. 12 and ask you to take a look at this and</p> <p>15 let me know if you've seen these documents</p> <p>16 before.</p> <p>17 A. Well, of course I have.</p> <p>18 Q. Okay. And what is Deposition Exhibit</p> <p>19 No. 12?</p> <p>20 A. They are notes that I had made for</p> <p>21 myself.</p> <p>22 Q. Okay.</p> <p>23 MR. SMITH: Do you have another copy of</p> <p>24 that one?</p>	<p style="text-align: right;">Page 388</p> <p>1 them like at the end of the day or I might write</p> <p>2 them part way through the day or, you know, or</p> <p>3 maybe the next day.</p> <p>4 Q. Okay.</p> <p>5 A. But they were always done --</p> <p>6 Q. Fairly soon after the day?</p> <p>7 A. Yeah, so I wouldn't forget.</p> <p>8 Q. Okay. And did you first keep any</p> <p>9 handwritten notes that you then used to type</p> <p>10 this in or no?</p> <p>11 A. Yes, I did.</p> <p>12 Q. Okay. Would that be true for all of</p> <p>13 the entries on this exhibit, that originally</p> <p>14 they were handwritten notes that you then typed</p> <p>15 in?</p> <p>16 A. I have had handwritten notes that I</p> <p>17 kept before, yes.</p> <p>18 Q. Do you still have any of those</p> <p>19 handwritten notes?</p> <p>20 A. No, I don't.</p> <p>21 Q. Okay. If I could direct your attention</p> <p>22 to the page that is numbered 656 at the bottom.</p> <p>23 If you look at the entry at 4:00 p.m. on</p> <p>24 March 21, 2013. And I'll just ask you, right in</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
389-392

<p style="text-align: right;">Page 389</p> <p>1 the middle of that entry, you write, quote, but</p> <p>2 I was just reminded again by Mills that the</p> <p>3 activity have is unacceptable and I was also</p> <p>4 informed that I should not be working cases</p> <p>5 other than the ones assigned to me. Do you see</p> <p>6 that?</p> <p>7 A. This is on March 21st you're saying or</p> <p>8 March 22nd?</p> <p>9 Q. Yeah.</p> <p>10 A. Okay.</p> <p>11 Q. It appears based on the document that</p> <p>12 on Thursday, March 21, 2013 at 4:00 p.m., you've</p> <p>13 typed in, among other things, that you were just</p> <p>14 informed by Mills that you should not be working</p> <p>15 cases other than the ones assigned to you. Do</p> <p>16 you see that?</p> <p>17 A. Yes, I do.</p> <p>18 Q. Okay. And do you have any reason to</p> <p>19 believe that Mills did not inform you of that on</p> <p>20 that date?</p> <p>21 A. No, if I put it in there.</p> <p>22 Q. Okay. And if you turn to the next</p> <p>23 page, the entry for Sunday March 24, 2013. Do</p> <p>24 you see that?</p>	<p style="text-align: right;">Page 391</p> <p>1 it would. Do you see that?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Is that accurate -- is that a yes?</p> <p>4 A. Yes.</p> <p>5 Q. Does that accurately reflect a part of</p> <p>6 the discussion you had with Sergeant Barz?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So you were acknowledging that</p> <p>9 you could understand that it would negatively</p> <p>10 affect your working relationship with Sergeant</p> <p>11 Mills if he believed you were secretly recording</p> <p>12 him, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. If you turn to the page that's</p> <p>15 Numbered 667. Do you see your entry for</p> <p>16 Tuesday, April 16th at 2013, at 4:00 p.m. Do</p> <p>17 you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And a few lines in, you say,</p> <p>20 quote, I'm not sure if Mills believes I have</p> <p>21 recorded him or if Mills his part of this</p> <p>22 make-up scheme. Do you see that?</p> <p>23 A. Or his part in this make-up scheme.</p> <p>24 Yeah.</p>
<p style="text-align: right;">Page 390</p> <p>1 A. Sunday, March 24th. Yes.</p> <p>2 Q. And that, in fact, is the VRI incident</p> <p>3 that you previously testified to where Mills got</p> <p>4 upset because you made an arrest in the 11th</p> <p>5 District, correct?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Is that a yes?</p> <p>8 A. Yes, yes.</p> <p>9 Q. Okay. If you turn now to the page</p> <p>10 marked 664, and your entries for Thursday,</p> <p>11 April 11, 2013. Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And here you're talking about</p> <p>14 the situation with Mark Barz where you thought</p> <p>15 you were going to be arrested, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And you write -- in part, you say,</p> <p>18 quote, I said now Mills will think I'm an idiot,</p> <p>19 how would you feel Barz if you were told a</p> <p>20 police officer who worked for you was recording</p> <p>21 you? Barz said, yeah, I know. I, meaning you,</p> <p>22 Shannon Spalding said, you mean to tell me it</p> <p>23 wouldn't negatively affect the work situation</p> <p>24 Barz. Barz says, yeah, I know, I understand how</p>	<p style="text-align: right;">Page 392</p> <p>1 Q. Okay. So would it be fair to say that</p> <p>2 as of that point, you weren't sure whether Mills</p> <p>3 believed you actually recording him, correct?</p> <p>4 A. No, I have no idea what he believed.</p> <p>5 Q. Okay.</p> <p>6 A. Even though Mike Barz said that he</p> <p>7 didn't believe it.</p> <p>8 Q. Okay. You typed in on April 16, 2013</p> <p>9 that you weren't sure at that point if Mills</p> <p>10 believed that you recorded him; is that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. So at that point, you didn't</p> <p>13 know whether Mills believed it, that you were</p> <p>14 recording him or not, correct?</p> <p>15 A. Yeah. But I don't -- but I don't know</p> <p>16 about --</p> <p>17 Q. I think you answered the question.</p> <p>18 A. April 8, 2013, okay. Go ahead.</p> <p>19 Q. Okay. On the page numbered 670, 6-7-0,</p> <p>20 on April 25, 2013 under the heading all day, one</p> <p>21 of the things that you indicated is that, quote,</p> <p>22 Dan and I told Mills that due to our situation,</p> <p>23 we were not comfortable going to the Marshal's</p> <p>24 training. Do you see that?</p>



SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
393-396

<p style="text-align: right;">Page 393</p> <p>1 A. I'm sorry, where are you at? The first</p> <p>2 one?</p> <p>3 Q. Under all -- the second paragraph, I'm</p> <p>4 sorry, that says all day, which begins, Mills</p> <p>5 had informed and later on in that paragraph.</p> <p>6 A. Yes, I see that.</p> <p>7 Q. Okay. And so there was some Marshal</p> <p>8 training that you and Officer Echeverria</p> <p>9 declined to go to, correct?</p> <p>10 A. At this point, yes.</p> <p>11 Q. Okay. Do you have a recollection of</p> <p>12 what that Marshal's training was about?</p> <p>13 A. No.</p> <p>14 Q. Okay. That's fine.</p> <p>15 A. I think I do recall.</p> <p>16 Q. If you turn to Page 673.</p> <p>17 A. Yes.</p> <p>18 Q. Under Thursday, March 2, 2013, the</p> <p>19 second paragraph under all day. Well, one of</p> <p>20 the things you say is you're beyond sorry to see</p> <p>21 Tina Skahill leave. As far as your concerned,</p> <p>22 she's the only ethical boss in this God forsaken</p> <p>23 department. Do you recall typing that?</p> <p>24 A. Where are you at, 673?</p>	<p style="text-align: right;">Page 395</p> <p>1 you call the code of silence?</p> <p>2 A. I know that Kevin Williams was</p> <p>3 suspicious to some people because his brother</p> <p>4 was chief of IAD for a while, so they wondered</p> <p>5 what his position was. But breaching the code</p> <p>6 of silence, I have no knowledge of them doing</p> <p>7 that.</p> <p>8 Q. Okay. Do you have any knowledge of why</p> <p>9 these four officers were so called launched from</p> <p>10 the district?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 A. But I wasn't --</p> <p>14 Q. Okay.</p> <p>15 A. I wasn't even at work any longer.</p> <p>16 Q. Okay.</p> <p>17 A. I don't think.</p> <p>18 Q. If you turn to the next page, 674,</p> <p>19 which is still under May 2, 2013. You say that</p> <p>20 you spoke with Guishnere who you've testified</p> <p>21 about previously, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And you say that, Guishnere said that</p> <p>24 he would ask Barnes how come you and Danny</p>
<p style="text-align: right;">Page 394</p> <p>1 Q. Yes.</p> <p>2 A. Okay. Are you under the first</p> <p>3 paragraph?</p> <p>4 Q. The second paragraph. It begins, I'm</p> <p>5 beyond sorry. We can strike that. I don't need</p> <p>6 to ask you about that.</p> <p>7 In that paragraph, that second</p> <p>8 paragraph under May 2, 2013, you say, quote,</p> <p>9 Danny also said that unit launched four POs to</p> <p>10 the district. Ryan and Brian from Barnes' team</p> <p>11 and Williams and Odem from Mason's team. Wow</p> <p>12 the four clout heavy officers. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And then you say, and Williams</p> <p>15 and Odem are great officers, they're hardworking</p> <p>16 in the unit since day one, tons of activity, but</p> <p>17 they always treated the two of them like</p> <p>18 outcasts, never included them in team activities</p> <p>19 cases or overtime. The nicest guys ever. Do</p> <p>20 you recall that?</p> <p>21 A. I do.</p> <p>22 Q. Okay. And do you have any knowledge of</p> <p>23 these four officers, Ryan and Brian from Barnes</p> <p>24 team or Williams or Odem, ever breaching what</p>	<p style="text-align: right;">Page 396</p> <p>1 didn't come back to Barnes' team, correct?</p> <p>2 A. On the first paragraph?</p> <p>3 Q. Yes.</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Then you write that you told</p> <p>6 Gush that you wouldn't be mad if he said that to</p> <p>7 Barnes but just don't say that I wanted you to</p> <p>8 ask, correct?</p> <p>9 A. Yeah, that's correct. Because I didn't</p> <p>10 want Barnes to think I was the one inquiring,</p> <p>11 because I wasn't.</p> <p>12 Q. Okay. And was Guishnere on Barnes'</p> <p>13 team at that point?</p> <p>14 A. He still is, as far as I know.</p> <p>15 Q. Okay. And at this point, he was on</p> <p>16 Barnes' team, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And then you write, quote, Gush</p> <p>19 is a great guy, that is why we should be back on</p> <p>20 that team. They are the only officers that</p> <p>21 treat me and Danny like officers with no</p> <p>22 retaliation, period. And they would back us up</p> <p>23 100 percent. It's the safest place for us,</p> <p>24 that's why we were not put back there. You're</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGONovember 18, 2014  
397-400

<p style="text-align: right;">Page 397</p> <p>1 referring to being put back on Barnes' team, 2 correct? 3 A. I'm -- 4 Q. Are you referring to being put back in 5 Barnes' team -- 6 A. No. 7 Q. -- in the sentence I just read? 8 A. No. 9 Q. All right. Let's break this down. You 10 write, quote, Gush is a great guy, that is why 11 we should be back on that team. Were you 12 referring to Barnes' team? 13 A. I was referring to the officers that 14 worked for Barnes, not Barnes. To clarify. 15 Q. Were you referring -- you said -- 16 A. I wrote this from my personal notes. 17 Q. I understand. 18 A. And I was referring to myself saying 19 that the guys were great and they were officers 20 that would back us up. I was not referencing 21 Barnes in any capacity. 22 Q. Okay. So when you wrote, Gush is a 23 great guy, that is why we should be put back on 24 that team, you weren't referring to the existing</p>	<p style="text-align: right;">Page 399</p> <p>1 Q. Okay. 2 A. But you're taking one sentence out of 3 context of an entire conversation. And these 4 are summary notes. 5 Q. Okay. 6 MR. KING: I'm going to take a very 7 short break. 8 MR. SMITH: Sure. 9 (Whereupon, a short break was 10 taken.) 11 BY MR. KING: 12 Q. Officer Spalding, you testified that 13 during the period that you felt you were being 14 subjected to retaliation and you had a number of 15 conversations with Juan Rivera, correct? 16 A. Yes. 17 Q. Okay. Do you recall whether you ever 18 specifically asked Juan Rivera to open a CR 19 investigation? 20 A. Multiple times. 21 Q. Okay. And -- okay. And do you recall 22 what his responses would be to that inquiry? 23 A. Hang in there, it's going to get 24 better.</p>
<p style="text-align: right;">Page 398</p> <p>1 team under Sergeant Barnes? 2 A. Not under Sergeant Barnes. To work 3 with the team, not the supervisor. 4 Q. So your desire was to work on a team 5 with all of Sergeant Barnes' officers, but not 6 under Sergeant Barnes? 7 A. I would have loved to work with those 8 guys again, but not with Sergeant Barnes. 9 Q. Okay. 10 A. Correct. 11 Q. And when you say, it's the safest place 12 for us, that's why we were not put back there, 13 you were talking about Sergeant Barnes' team, 14 correct? 15 A. I was talking about the officers from 16 Sergeant Barnes' team. 17 Q. Okay. 18 A. And that was my personal opinion. 19 Q. Okay. But you indicated in here that 20 you told Guishnere that you wouldn't be mad if 21 he asked Sergeant Barnes how come you and Danny 22 didn't come back to Sergeant Barnes' team, 23 correct? 24 A. Correct.</p>	<p style="text-align: right;">Page 400</p> <p>1 Q. Okay. Do you -- strike that. 2 A question about Lieutenant Pascua. Do 3 you ever recall anyone suggesting to you that 4 Lieutenant Pascua might have a problem with you 5 because you were a female police officer? 6 A. No, that's inaccurate. They said she 7 had a problem with anybody female. 8 Q. Okay. So someone told you that 9 Lieutenant Pascua had a problem with females? 10 A. With -- in general. 11 Q. Okay. Who do you recall -- 12 A. I don't recall. 13 Q. -- telling you that? 14 A. I don't recall at this moment, I don't. 15 Q. Is it your belief that any of the 16 issues you had with Lieutenant Pascua was 17 because you were a female? 18 A. No. I believe that they were because 19 of the investigation. 20 Q. Okay. I think I've asked you with 21 respect to each of the individual Defendants, 22 but I will ask you an overall question. With -- 23 with respect to each of the individual 24 Defendants, Rivera, Kirby, O'Grady, Roti,</p>

SHANNON MARIE SPALDING  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

November 18, 2014  
401-404

<p style="text-align: right;">Page 401</p> <p>1 Sadowski, Pascua, Stanley, Barnes, Cesario, 2 Salemme and Mills, other than what you've 3 already testified to, is there -- are there any 4 incidents of alleged retaliation that you're 5 claiming in this lawsuit that were engaged in by 6 any of those individual Defendants? 7 A. Like I stated throughout this 8 deposition, there are so many incidents. But at 9 this time to the best of my recollection, I have 10 given you all the information. 11 Q. Okay. 12 MR. KING: I don't believe I have any 13 further questions. 14 THE WITNESS: Are you kidding me? All 15 right. 16 MR. SMITH: No questions. I think we 17 will reserve. 18 FURTHER DEPONENT SAITH NOT. 19 (The deposition concluded at 20 6:43 p.m.) 21 22 23 24</p>	<p style="text-align: right;">Page 403</p> <p>1 indirectly in the outcome of this action. 2 3 IN WITNESS WHEREOF, I do hereunto set my 4 hand at Chicago, Illinois, this 24th day of 5 November, 2014. 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 _____ 22 Certified Shorthand Reporter 23 CSR Certificate No. 084-004022 24</p>
<p style="text-align: right;">Page 402</p> <p>1 CERTIFICATE OF OFFICER 2 3 I, SUSAN HASELKAMP, a Certified Shorthand 4 Reporter of the State of Illinois, do hereby 5 certify: 6 7 That previous to the commencement of the 8 examination of the witness, the witness was duly 9 sworn to testify the whole truth concerning the 10 matters herein; 11 12 That the foregoing deposition transcript 13 was reported stenographically by me, was 14 thereafter reduced to typewriting under my 15 personal direction and constitutes a true record 16 of the testimony given and the proceedings had; 17 18 That the said deposition was taken before 19 me at the time and place specified; 20 21 That I am not a relative or employee or 22 attorney or counsel, nor a relative or employee 23 of such attorney or counsel for any of the 24 parties hereto, nor interested directly or</p>	<p style="text-align: right;">Page 404</p> <p>1 2 INDEX 3 WITNESS EXAMINATION 4 SHANNON MARIE SPALDING, 5 By Mr. King.....3 6 7 8 9 10 EXHIBITS 11 NUMBER MARKED FOR ID 12 Spalding Deposition Exhibit 13 14 1.....19 15 2.....103 16 3.....199 17 4.....212 18 5.....260 19 6.....307 20 7.....312 21 8.....313 22 9.....339 23 10.....341 24 11.....350 12.....386</p>

**SHANNON MARIE SPALDING**  
**SPALDING and ECHEVERRIA vs. CITY OF CHICAGO**

November 18, 2014  
 405-406

<p style="text-align: right;">Page 405</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Assignment No. 239697</p> <p>3 Chicago Police Officers Shannon Spalding and</p> <p>4 Daniel Echeverria vs. City of Chicago, et al.</p> <p>5 DECLARATION UNDER PENALTY OF PERJURY</p> <p>6</p> <p>7 I declare under penalty of perjury that I</p> <p>8 have read the entire transcript of my Deposition</p> <p>9 taken in the captioned matter or the same has</p> <p>10 been read to me, and the same is true and</p> <p>11 accurate, save and except for changes and/or</p> <p>12 corrections, if any, as indicated by me on the</p> <p>13 DEPOSITION ERRATA SHEET hereof, with the</p> <p>14 understanding that I offer these changes as if</p> <p>15 still under oath.</p> <p>16</p> <p>17 Signed on the _____ day of</p> <p>18 _____, 2014.</p> <p>19</p> <p>20 _____</p> <p>21 SHANNON MARIE SPALDING</p> <p>22</p> <p>23</p> <p>24</p>	
<p style="text-align: right;">Page 406</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 _____</p> <p>4 Reason for change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 _____</p> <p>7 Reason for change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 _____</p> <p>10 Reason for change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 _____</p> <p>13 Reason for change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 _____</p> <p>16 Reason for change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 _____</p> <p>19 Reason for change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 _____</p> <p>22 Reason for change: _____</p> <p>23 SIGNATURE: _____ DATE: _____</p> <p>24 SHANNON MARIE SPALDING</p>	

<u>OFFICER</u>	<u>BEAT</u>	<u>ROLE</u>	<u>O LAST</u>	<u>O FIRST</u>	<u>IR NO</u>	<u>CB NO</u>	<u>STAT_DESCR</u>	<u>TYPE</u>	<u>ARREST DATE</u>
SPALDING	SHANNON 5754	SAO	DILLARD	TIERRA	1832713	18433424	ISSUANCE OF WARRANT		21-Jun-2012
SPALDING	SHANNON 5752	SAO	TURNER	JERREL	1901564	18428506	ISSUANCE OF WARRANT		14-Jun-2012
SPALDING	SHANNON 5752	SAO	KRABBE	EDWARD	2165586	18426901	VIOL SEX OFFENDER REGISTRATI	F	12-Jun-2012
SPALDING	SHANNON 5752	AAO	MORGA	JOSE	1371109	18424289	ROBBERY	F	08-Jun-2012
SPALDING	SHANNON 5752	SAO	REED	SHAUNDE	1283051	18422602	ISSUANCE OF WARRANT		06-Jun-2012
SPALDING	SHANNON 5752	SAO	COOK	MARCUS	743115	18422596	ISSUANCE OF WARRANT		06-Jun-2012
SPALDING	SHANNON 5752	SAO	PALM	RENATA	775322	18419873	BATTERY - CAUSE BODILY HAR	M	02-Jun-2012
SPALDING	SHANNON 5754	SAO	GORDEN	JAMES	351892	18403176	DOMESTIC BATTERY - PHYSICA	M	09-May-2012
SPALDING	SHANNON 5752	FAO	COOK	ALLEN	1951186	18399556	BURGLARY/SCH/DAY CARE/WO	F	04-May-2012
SPALDING	SHANNON 5752	AAO	PINKERTON	JESSE	1360917	18398207	MURDER - FIRST DEGREE	F	02-May-2012
SPALDING	SHANNON 5752	SAO	CHOATES	WILLIAM	620465	18390276	VIOL SEX OFFENDER REGISTRATI	F	21-Apr-2012
SPALDING	SHANNON 5752	AAO	HOUSTON	GREGORY	777585	18389469	ISSUANCE OF WARRANT		20-Apr-2012
SPALDING	SHANNON 5752	AAO	GREEN	JOHN	1506608	18389449	AGG BATTERY/DISCHARGE FIR	F	20-Apr-2012
SPALDING	SHANNON 5752	SAO	BROWN	ISHANNA	1919741	18388831	BATTERY - MAKE PHYSICAL CO	M	19-Apr-2012
SPALDING	SHANNON 5752	FAO	MORRIS	LASHORA	1108937	18383842	BATTERY - CAUSE BODILY HAR	M	12-Apr-2012
SPALDING	SHANNON 5752	FAO	NASH	MARTELL	1254261	18378831	DOMESTIC BATTERY - BODILY H	M	05-Apr-2012
SPALDING	SHANNON 5752	SAO	ALEXANDER	ZAVIER	1632311	18377372	AGG BATTERY/PEACE OFFICER	F	03-Apr-2012
SPALDING	SHANNON 5752	SAO	POUNCY	TROY	1772691	18377263	CANNABIS - POSSESS 30-500 GRM	F	03-Apr-2012
SPALDING	SHANNON 5753	AAO	STARKEY	LUTHER	1332690	18373184	ISSUANCE OF WARRANT		28-Mar-2012
SPALDING	SHANNON 5752	AAO	HOWARD	KIMANTI	1497596	18372529	DOMESTIC BATTERY - BODILY H	M	27-Mar-2012
SPALDING	SHANNON 5752	AAO	BONDS	YASHUA	1262976	18370495	DOMESTIC BATTERY - BODILY H	M	24-Mar-2012
SPALDING	SHANNON 5752	SAO	BERNARD	WALTER	1034707	18368797	ISSUANCE OF WARRANT		22-Mar-2012





# Exhibit D

**DANIEL ECHEVERRIA**  
**SPALDING and ECHEVERRIA vs. CITY OF CHICAGO**

December 02, 2014

1-4

Page 1	Page 3
<p>1 IN THE UNITED STATES DISTRICT COURT  2 FOR THE NORTHERN DISTRICT OF ILLINOIS  3 EASTERN DIVISION  4 CHICAGO POLICE OFFICERS )  5 SHANNON SPALDING and )  6 DANIEL ECHEVERRIA, )  7 )  8 Plaintiffs, )  9 vs. ) No. 12 C 8777  10 )  11 CITY OF CHICAGO, Chicago )  12 Police Chief JUAN )  13 RIVERA, Chicago Police )  14 Chief DEBRA KIRBY, )  15 Chicago Police Commander )  16 JAMES O'GRADY, Chicago )  17 Police Chief NICHOLAS )  18 ROTI, Chicago Police Lt. )  19 KEVIN SADOWSKI, Chicago )  20 Police Lt. DEBORAH )  21 PASCUA, Chicago Police )  22 Commander ADRIENNE )  23 STANLEY, Chicago Police )  24 Sergeant MAURICE BARNES, )  Chicago Police Lt. )  ROBERT CESARIO, Chicago )  Police Commander JOSEPH )  SALEMME, Chicago Police )  Sergeant THOMAS MILLS, )  Defendants. )</p> <p>The deposition of DANIEL ECHEVERRIA, called for examination, taken pursuant to the provisions of the Code of Civil Procedure and the Rules of the Supreme Court of the State of Illinois pertaining to the taking of depositions for the purpose of discovery taken before SUSAN HASELKAMP, CSR No. 084-004022, Certified Shorthand Reporter of said state, on December 2, 2014, at the hour of 9:20 a.m. at 191 North Wacker Drive, Suite 3700, Chicago, Illinois, pursuant to notice.</p>	<p>1 (Whereupon, the witness was duly  2 sworn.)  3 DANIEL ECHEVERRIA,  4 having been first duly sworn, was examined and  5 testified as follows:  6 EXAMINATION  7 BY MR. KING:  8 Q. Let the record reflect that this is the  9 deposition of one of the Plaintiffs, Daniel  10 Echeverria, being taken pursuant to notice and  11 in agreement of the parties and pursuant to  12 applicable provisions of the Federal Rules of  13 Civil Procedure and Federal Rules of Evidence.  14 Mr. Echeverria, can you state your full  15 name and spell your last name for the record.  16 A. Daniel M. Echeverria,  17 E-C-H-E-V-E-R-R-I-A.  18 Q. And have you ever given a deposition  19 before?  20 A. No.  21 Q. Okay. I know you were here for your  22 partner's deposition.  23 A. Yes.  24 Q. I'm sure you've got a general sense of</p>
Page 2	Page 4
<p>1 APPEARANCES:  2  3 CHRISTOPHER SMITH TRIAL GROUP,  4 MR. CHRISTOPHER R. SMITH,  5 One North LaSalle Street  6 Suite 3040  7 Chicago, Illinois 60602  8 (312) 432-0400  9 office@crstrialgroup.com  10 Representing the Plaintiffs;  11  12 DRINKER, BIDDLE &amp; REATH LLP, by  13 MR. ALAN S. KING and  14 MS. NOREEN H. CULL,  15 191 North Wacker Drive  16 Suite 3700  17 Chicago, Illinois 60606-1698  18 (312) 569-1334  19 alan.king@dbr.com  20 noleen.cull@dbr.com  21 Representing the Defendants.  22  23 ALSO PRESENT: MS. SHANNON SPALDING  24</p>	<p>1 what's going to go on here. I'll be asking you  2 questions that you've been sworn to answer  3 truthfully under oath. If you don't understand  4 any of my questions or if I'm speaking too fast,  5 feel free to let me know and I'll try to repeat  6 the question or rephrase it. Okay?  7 A. Correct.  8 Q. Okay. And, again, verbal answers are  9 very important for the court reporter, as it's  10 difficult for her to take down nods of the head  11 and uh-huhs and things like that. So I'd ask  12 you to respond verbally.  13 A. Understood.  14 Q. Okay. And it's also difficult for the  15 court reporter if we're both talking at the same  16 time to take that down, so I'm going to do my  17 best to let you finish your answers if you do  18 your best to let me finish my questions before  19 you start speaking, okay?  20 A. Understood.  21 Q. Thank you.  22 Officer Echeverria, you're currently  23 employed by the City as a Chicago Police  24 Officer, correct?</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014

5-8

<p style="text-align: right;">Page 5</p> <p>1 A. That's accurate.</p> <p>2 Q. Okay. And you joined the force in</p> <p>3 1999?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. What's your current home</p> <p>6 address?</p> <p>7 A. 5621 North Mulligan Avenue, Chicago,</p> <p>8 Illinois 60646.</p> <p>9 Q. And how long have you lived at that</p> <p>10 address?</p> <p>11 A. About ten years.</p> <p>12 Q. Okay. And are you married?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Does your wife live with you at</p> <p>15 that address?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Any kids?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And they live with you at that</p> <p>20 address?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And since 1999, have you had any</p> <p>23 employment other than with the City of Chicago?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. Okay. Any other college?</p> <p>2 A. No.</p> <p>3 Q. Okay. Can you tell me starting in 1999</p> <p>4 when you joined the force as best as you can</p> <p>5 recall, kind of taking me chronologically</p> <p>6 through the positions that you had and, to the</p> <p>7 extent you can remember, who your supervisors or</p> <p>8 sergeants were up until the time you were</p> <p>9 detailed to Detached Services?</p> <p>10 A. Sure.</p> <p>11 Q. Thanks.</p> <p>12 A. I started obviously at the academy,</p> <p>13 graduated the academy in February, 2000. I was</p> <p>14 assigned or detailed to the 1st District. I</p> <p>15 worked all watches there, days, afternoons,</p> <p>16 midnights. Supervisors rotate. At that time I</p> <p>17 want to say I completed my PPO status there, as</p> <p>18 well. And then I worked primarily midnights and</p> <p>19 eventually moved to days.</p> <p>20 Q. Okay.</p> <p>21 A. Then I worked a gang and tactical unit</p> <p>22 as well as a housing unit. And I also did</p> <p>23 saturation prior to going to gang and tactical.</p> <p>24 Q. Okay.</p>
<p style="text-align: right;">Page 6</p> <p>1 Q. Okay.</p> <p>2 A. Let me rephrase that. Some part-times</p> <p>3 or something like that.</p> <p>4 Q. Okay.</p> <p>5 A. Side part-times.</p> <p>6 Q. Okay. Doing like security?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 A. I used to -- I have a degree in medical</p> <p>10 imaging --</p> <p>11 Q. Okay.</p> <p>12 A. -- so I did some medical imaging work</p> <p>13 for -- at some hospitals.</p> <p>14 Q. Okay. And you mentioned your degree.</p> <p>15 Why don't you tell me about your educational</p> <p>16 background. Where did you attend college or get</p> <p>17 your degree?</p> <p>18 A. I'm sorry?</p> <p>19 Q. Where did you attend college or get</p> <p>20 your degree?</p> <p>21 A. It's a two-year degree, Triton College.</p> <p>22 Q. And was that before you entered the</p> <p>23 police force?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 8</p> <p>1 A. And then I went to Narcotics. Well, we</p> <p>2 got borrowed out to Narcotics, then eventually</p> <p>3 assigned to Narcotics and then detailed to 543.</p> <p>4 Q. Okay.</p> <p>5 A. The 045 Academy, the -- or 044, the</p> <p>6 retread thing.</p> <p>7 Q. Okay.</p> <p>8 A. And then the --</p> <p>9 Q. We can stop.</p> <p>10 A. Okay.</p> <p>11 Q. You've gotten to when you were detailed</p> <p>12 to Detached Services, right?</p> <p>13 A. Yeah.</p> <p>14 Q. The 543?</p> <p>15 A. Correct.</p> <p>16 Q. Yeah, we'll get into that in a little</p> <p>17 more detail.</p> <p>18 A. All right.</p> <p>19 Q. Thank you. And when did Officer</p> <p>20 Spalding become your partner?</p> <p>21 A. In the 1st District during the housing</p> <p>22 tactical team.</p> <p>23 Q. Okay. And has she remained your</p> <p>24 partner ever since then at least up until the</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
9-12

<p style="text-align: right;">Page 9</p> <p>1 time she went on medical leave?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So consistently since then?</p> <p>4 A. Well, when we went to Narcotics, she</p> <p>5 went to work Narcotics West, I went to work</p> <p>6 Narcotics South or Central, whatever you want to</p> <p>7 call it, Area 1.</p> <p>8 Q. So you and Officer Spalding were</p> <p>9 partners for some period of time --</p> <p>10 A. Yes.</p> <p>11 Q. -- before you got to Narcotics and then</p> <p>12 you were split up for a period of time --</p> <p>13 A. Right.</p> <p>14 Q. -- and then you came back together as</p> <p>15 partners; is that correct?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. Do you recall how long you were</p> <p>18 in Narcotics when you were not Officer</p> <p>19 Spalding's partner?</p> <p>20 A. I cannot give you an exact. I went to</p> <p>21 work on one team, she went to work on a</p> <p>22 different team. I can't even approximate.</p> <p>23 Q. Okay.</p> <p>24 A. I would just like to give you an</p>	<p style="text-align: right;">Page 11</p> <p>1 evidence of illegal activity being committed by</p> <p>2 various Chicago Police Officers. In the next</p> <p>3 paragraph it indicates that one of those</p> <p>4 officers was Sergeant Ronald Watts.</p> <p>5 A. That's in Paragraph 21?</p> <p>6 Q. Yes.</p> <p>7 A. So 20 and 21?</p> <p>8 Q. Yes.</p> <p>9 A. Okay.</p> <p>10 Q. Were you personally involved in</p> <p>11 uncovering any illegal activity of Sergeant</p> <p>12 Watts?</p> <p>13 A. Yes.</p> <p>14 Q. What illegal activity did you or your</p> <p>15 partner uncover?</p> <p>16 A. What didn't I uncover, is more like the</p> <p>17 question.</p> <p>18 Q. Tell me what you uncovered.</p> <p>19 A. I uncovered that Ronald Watts was</p> <p>20 extorting money from drug dealers, stealing</p> <p>21 narcotics themselves, selling narcotics to rival</p> <p>22 gangs or rival buildings.</p> <p>23 Q. Okay.</p> <p>24 A. Basically he was facilitating the</p>
<p style="text-align: right;">Page 10</p> <p>1 accurate answer, so I'd rather just...</p> <p>2 Q. Okay. And you're currently in the</p> <p>3 Fugitive Apprehension Unit, correct?</p> <p>4 A. Correct.</p> <p>5 Q. And are you on Sergeant Stack's team?</p> <p>6 A. That is correct.</p> <p>7 Q. And that's on the second watch --</p> <p>8 A. That's days.</p> <p>9 Q. -- over on days?</p> <p>10 A. That's correct.</p> <p>11 (Whereupon, Echeverria</p> <p>12 Deposition Exhibit No. 1 was</p> <p>13 marked for identification.)</p> <p>14 BY MR. KING:</p> <p>15 Q. Officer Echeverria, I'm showing you</p> <p>16 what's been marked as Echeverria Deposition</p> <p>17 Exhibit No. 1.</p> <p>18 It's your Amended Complaint in the</p> <p>19 litigation. Have you seen this document before?</p> <p>20 A. Yes.</p> <p>21 Q. And if I could direct your attention to</p> <p>22 Paragraph 20 of the Amended Complaint, which</p> <p>23 indicates, in 2007 while working an undercover</p> <p>24 Narcotics investigation, Plaintiffs uncovered</p>	<p style="text-align: right;">Page 12</p> <p>1 narcotics trade.</p> <p>2 Q. Okay. And --</p> <p>3 A. And participating in a criminal</p> <p>4 enterprise, if you ask me.</p> <p>5 Q. Okay. And did you discover this</p> <p>6 activity when you were working for CHA -- or in</p> <p>7 the CHA?</p> <p>8 A. I discovered that during debriefings of</p> <p>9 arrestees.</p> <p>10 Q. Okay.</p> <p>11 A. Who had already committed a controlled</p> <p>12 sale or buy, so undercover.</p> <p>13 Q. Okay. So the arrestees would talk</p> <p>14 about things that Sergeant Watts was engaged in?</p> <p>15 A. Yes.</p> <p>16 Q. And that's how you learned of that?</p> <p>17 A. Correct.</p> <p>18 Q. And at some point did you or your</p> <p>19 partner, Officer Spalding, report anything that</p> <p>20 you had learned about Sergeant Watts to anyone</p> <p>21 within the Chicago Police Department?</p> <p>22 A. Yes.</p> <p>23 Q. And who did you report it to?</p> <p>24 A. Well, I brought it -- well, what I did</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
13-16

<p style="text-align: right;">Page 13</p> <p>1 is at that time, I had a sergeant -- let me 2 think of his name. Give me a second. Roderick 3 Watson. 4 Q. Okay. 5 A. Was the immediate supervisor. 6 Q. And are you saying you reported it to 7 Sergeant Watson? 8 A. I had Sergeant Watson come upstairs 9 where the arrestee was being processed for his 10 debriefing by myself. 11 Q. Okay. 12 A. Where he had shared some information 13 regarding Ronald Watts. The arrestee asked for 14 a supervisor. 15 Q. Okay. 16 A. So at that time, it was Sergeant 17 Roderick Watson. I told Sergeant Watson if he 18 could come upstairs with me, the arrestee is 19 asking to speak to a supervisor. And he's ready 20 to come downstairs since my processing was 21 pretty much complete. And the arrestee repeated 22 to me, to Sergeant Watson. So at that point, 23 yes, it was reported to him. 24 Q. Okay. So Sergeant Watts comes to the</p>	<p style="text-align: right;">Page 15</p> <p>1 He brings dope in for us, everything. 2 Q. Okay. 3 A. And it just went ignored. 4 Q. Okay. 5 A. And then we just took him downstairs to 6 be processed. 7 Q. Okay. Was that the only occasion where 8 you -- strike that. 9 Was that the only occasion where 10 Sergeant Watson was present where an arrestee 11 was disclosing some criminal activity of 12 Sergeant Watts? 13 A. Yes. 14 Q. Were there any other occasions where 15 any other supervisors or white shirts were 16 present when an arrestee was disclosing alleged 17 criminal activity by Sergeant Watts? 18 A. No. 19 Q. No? 20 A. No. 21 Q. Okay. And separate and apart from 22 Sergeant Watson being present in the meeting 23 with the arrestee you just discussed -- 24 A. Yes.</p>
<p style="text-align: right;">Page 14</p> <p>1 room -- 2 A. Watson. 3 Q. Watson, I'm sorry, comes to the room 4 and it's just you, Sergeant Watson and the 5 arrestee; is that correct? 6 A. Correct. 7 Q. Tell me what the arrestee explains at 8 that time. 9 A. At that time the arrestee asked if he 10 was a white shirt. Sergeant Watson replied, 11 yes. Then he said, I'm not going to go down for 12 this petty shit, is what he said, when they have 13 white shirts, and he named Ronald Watts, 14 stealing and doing his own dope line in the Ida 15 B. Wells complex. 16 Q. Okay. Do you recall anything else 17 being said in that meeting? 18 A. Yes. Then Sergeant Watson said, I'm 19 not trying to hear your shit. 20 Q. Okay. Do you recall anything else said 21 in that meeting? 22 A. And then he just -- the arrestee kept 23 repeating it and told him, man, this guy 24 really -- I mean, he steals, he does everything.</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. -- did you otherwise report Sergeant 2 Watts' alleged criminal activity to anyone else 3 within the Chicago Police Department? 4 A. Later on when we did meet with Tina 5 Skahill. 6 Q. Okay. And do you recall when 7 approximately that meeting was? 8 A. I can't give you the definite date. I 9 know it was in August, I don't know. 10 Q. Okay. 11 A. If you let me refer to the Complaint, 12 I'll tell you what year. 13 Q. That's fine. 14 A. It's in the Complaint. 15 Q. Okay. We'll talk about that later. 16 A. All right. 17 Q. But the meeting you're talking about 18 with Tina Skahill -- 19 A. That's forward. 20 Q. -- what you were reporting to her is 21 after you have already been working on the Watts 22 investigation with the FBI, correct? 23 A. Correct. 24 Q. Okay. If I could direct your attention</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
17-20

<p style="text-align: right;">Page 17</p> <p>1 now to Paragraph 23 of the Amended Complaint. 2 It indicates that in 2007 while off duty, the 3 Plaintiffs reported to FBI Special Agent PS the 4 illegal activity by Sergeant Watts and others 5 who worked with him. PS is Patrick Smith, 6 correct? 7 A. Correct. 8 Q. Okay. And do you recall how that 9 information was reported to Patrick Smith? Was 10 there a meeting or a telephone call? 11 A. There was multiple conversations. I 12 couldn't tell you if it was over the phone or 13 was it in person where that Watts topic came up. 14 Q. Do you recall the first such 15 conversation? 16 A. It's so far back. I mean, there's so 17 many conversations that transpired. 18 Q. Okay. Well, initially you or your 19 partner makes the decision to contact the FBI. 20 Do you recall if you made that contact or 21 Officer Spalding did or both of you together? 22 A. It may have been both of us. 23 Q. Okay. And you don't recall whether 24 that initial contact was a phone call or a</p>	<p style="text-align: right;">Page 19</p> <p>1 Q. Yes. 2 A. -- he responded what he responded and 3 then we took him down to be processed. 4 Q. Yes. 5 A. And I needed to complete my debriefing 6 form, a document for it. And I asked Sergeant 7 Watson, I said, Sarge, how do you want to make 8 this debriefing? Do you want to make it a 9 negative or a positive, you know, with what he 10 said. He said, make that shit a negative. 11 So at that point, my understanding was 12 maybe, you know, he was going to do a 13 confidential investigation or something and he 14 didn't want to reflect that in the report, then 15 it would take away from the confidential matter 16 that I would assume it would turn into. 17 Q. Okay. 18 A. So that's what I wanted to elaborate on 19 that. 20 Q. Okay. So when that was all 21 processed -- 22 A. Right. 23 Q. -- you were under the impression that 24 Sergeant Watson might initiate a confidential</p>
<p style="text-align: right;">Page 18</p> <p>1 meeting? 2 A. It's hard to say. 3 Q. Okay. Do you know how long after the 4 situation you testified to with Sergeant Watson 5 being present when the arrestee provided 6 information about Sergeant Watts, how long after 7 that did you or your partner reach out to the 8 FBI? 9 A. It can't be much time lapse. 10 Q. Okay. Are we talking days? 11 A. Like I said, it's a short period of 12 time. It was definitely not months or years or 13 anything like that. 14 Q. Okay. What's your best estimate of how 15 much time past, a few days? 16 A. Well, can we backtrack it a little bit 17 to the Watson situation? I'd like to elaborate 18 on that, too, and maybe that will make sense 19 with this one. Or do you want to continue 20 forward? It's up to you. 21 Q. What more do you have to say about the 22 Watson situation? 23 A. Well, when the arrestee communicated 24 the information to Sergeant Watson --</p>	<p style="text-align: right;">Page 20</p> <p>1 investigation? 2 A. Correct. 3 Q. Okay. Does that help you recall how 4 much time past between -- 5 A. It was a short period -- 6 Q. -- of when you contacted the FBI? 7 A. It was a short period of time. I know 8 that when we did make contact with the agent, it 9 was on our personal time, our off time. It was 10 never during duty time. 11 Q. Okay. 12 A. Like I said, it may have been a very 13 short period of time. I can't tell you that 14 months went by or anything like that. 15 Q. Okay. 16 A. Because I assumed everything was going 17 to be handled, but other incidents kept coming 18 up. And I just said, well, I don't think it's 19 being handled. 20 Q. Okay. And in Paragraph 24 you say that 21 you and Officer Spalding continued meeting with 22 Patrick Smith intermittently through 2008; is 23 that correct? 24 A. Yes.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
21-24

<p style="text-align: right;">Page 21</p> <p>1 Q. Okay. And is it your testimony that at 2 that time you never had a meeting or a phone 3 conversation with Patrick Smith about the Watts 4 matter during your regular work hours, is that 5 your testimony? 6 A. Well, he would try and reach out, but 7 I -- during work time and it was not the right 8 thing to address at that time while we were 9 working, or at least when I was working. 10 Q. Okay. 11 A. So I tried to do everything in my 12 personal time. 13 Q. Okay. I understand you're trying to do 14 that. But did you also do some work with the 15 FBI on the Watts investigation during your work 16 hours? 17 A. Once we got assigned to Brass Tax, yes. 18 Q. Now, the work that you and Officer 19 Spalding did on Operation Brass Tax -- 20 A. Yes. 21 Q. -- would it be fair to say it consisted 22 of you managing and getting information from the 23 confidential informant? 24 A. Absolutely, yes.</p>	<p style="text-align: right;">Page 23</p> <p>1 Q. Do you recall was it August, 2008? 2 A. That sounds right. 3 Q. Okay. And prior to that August, 2008 4 meeting, were you aware of any CPD officers at 5 any level that were aware of your and Officer 6 Spalding's involvement in the Watts 7 investigation? 8 A. Not at that time. 9 Q. Okay. So during that time -- strike 10 that. 11 Paragraph 26 talks about an August, 12 2008 meeting. Were you present at that 13 meeting? 14 A. Yes. 15 Q. Okay. Can you tell me who all was 16 present at the August, 2008 meeting? 17 A. It was Chief Skahill, her 18 administrative staff, which consisted of -- give 19 me a second to think of the lady's name. 20 Barbara West was a lieutenant I believe at that 21 time. 22 Q. Okay. 23 A. There was a Sergeant Tom Chester, who 24 was an FBI confidential liaison, my partner,</p>
<p style="text-align: right;">Page 22</p> <p>1 Q. Okay. And that was your role in the 2 investigation, correct? 3 A. Yeah, to acquire information, 4 intelligence, develop the CI, which we had 5 developed, set up scenarios in conjunction with 6 the FBI and IAD Confidentials. 7 Q. And the CI was a confidential 8 informant, correct? 9 A. Yes. 10 Q. And then at some point in time -- well, 11 strike that. 12 Let's look at Paragraph 25, which 13 indicates that after approximately a year or so 14 of speaking with the FBI in your personal 15 capacities, the FBI agents were -- began to 16 request more time and that you and/or Officer 17 Spalding responded that you -- if they wanted 18 more of your time, it would have to be conducted 19 through the Chicago Police Department; is that 20 correct? 21 A. Yes. 22 Q. Okay. And there was a meeting that's 23 alleged in the next paragraph in August of 2008. 24 A. Okay.</p>	<p style="text-align: right;">Page 24</p> <p>1 myself and Patrick Smith. 2 Q. Okay. And your partner is Officer 3 Spalding? 4 A. That is correct. 5 Q. And as best as you can recall, what do 6 you recall being discussed in that meeting or 7 said by any of the participants in the meeting? 8 A. Well, when we entered the room, we had 9 seen Patrick Smith in there already and we were 10 surprised to see him there. 11 Q. Okay. 12 A. We were asked to have a seat. Tina 13 Skahill, Chief Skahill commended us for coming 14 forward. She said it was a very important 15 investigation to the department as well as the 16 agency; however, it's pretty much going to be 17 governed by the outside agency, the federal 18 agency. And she introduced her staff, which was 19 Tom Chester. 20 Q. Did Chief Skahill indicate in the 21 meeting that there was already an ongoing 22 investigation of Sergeant Watts that she was 23 aware of? 24 A. Yes.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
25-28

<p style="text-align: right;">Page 25</p> <p>1 Q. Okay. And did she indicate how long 2 that investigation had been going on? 3 A. No, she did not. 4 Q. Okay. I'm sorry, continue. What else 5 do you recall being said in the meeting? 6 A. She kind of briefly asked us the nature 7 of how we came about with Watts, we just gave 8 her a quick synopsis of it, we discussed our 9 safety, we discussed many topics, our concerns 10 regarding our identity, she discussed as well 11 as -- she assured us that, you know, it would be 12 a very confidential matter and that nobody 13 outside this room knows about it. And we went 14 on and emphasized about if our identity was 15 compromised, what that would do to us. And she 16 said, we wouldn't do that to you, especially if 17 you're coming forward in a serious matter as 18 this one. 19 Q. Okay. 20 A. Because we were concerned of this code 21 of silence. 22 Q. Did Chief Skahill say that nobody 23 outside of that room knew about it at that point 24 in time?</p>	<p style="text-align: right;">Page 27</p> <p>1 Q. Okay. 2 A. We discussed assignment of cars and 3 radios. We weren't aware of who we were to 4 report to. That's when she said, you will 5 report directly, and pointed to Tom Chester. 6 He's going to be your immediate supervisor. 7 Q. Okay. 8 A. And also you will work, of course, with 9 Agent Smith. 10 Q. Okay. And was she telling you you were 11 to report to FBI headquarters? 12 A. Yes, 2111 West Roosevelt. 13 Q. Okay. Do you remember the phrase need 14 to know, something about need to know coming up 15 in that meeting? 16 A. Like I said, it's so long ago, I 17 just -- 18 Q. You don't recall? 19 A. -- I don't recall at this time. 20 Q. Okay. But you understood by the end of 21 that meeting, if you didn't know it already, 22 that there had been an ongoing investigation of 23 Sergeant Watts even before you and Officer 24 Spalding got involved, correct?</p>
<p style="text-align: right;">Page 26</p> <p>1 A. She said that basically the people in 2 this room know about it. I want to also say she 3 mentioned the name of Brust. 4 Q. Okay. 5 A. And possibly Kirby. 6 Q. She may have mentioned Brust and Kirby? 7 A. Yes. And the reason I say Brust for 8 sure, because when she went along in discussing 9 the nature of the assignment, she said it would 10 have to go through Kirby or Brust for approval 11 of how we were going to manage the detail to 12 keep it as confidential as possible. 13 Q. Okay. 14 A. And of course the supe. 15 Q. Okay. 16 A. Which I took that as the 17 superintendent. 18 Q. Okay. And was there some discussion 19 about a need to know, that only people with a 20 need to know would have knowledge? 21 A. We were ordered to keep this quiet as 22 possible, not to discuss this with anyone. 23 Q. Okay. 24 A. Which we did not.</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Yes. 2 Q. Okay. Did you learn that in that 3 meeting or had you already known that? 4 A. No. I learned that coming out of that 5 meeting. 6 Q. Okay. 7 A. And then once we were in the FBI, we 8 knew for sure that the department was well aware 9 of what Ronald Watts was doing, along with 10 others. 11 Q. Sure. And others including Officer 12 Mohammed? 13 A. Mohammed and others. 14 Q. Okay. Did you come to learn how long 15 the FBI and CPD had been investigating -- 16 A. Damn near a decade. 17 Q. Okay. 18 A. Sorry, my language. I'm just -- 19 Q. That's okay. So you understood the FBI 20 and CPD had been investigating officers, 21 including Ronald Watts and Officer Mohammed, for 22 nearly a decade before 2008; is that fair? 23 A. Yes. 24 Q. Okay. And after the August -- strike</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
29-32

<p style="text-align: right;">Page 29</p> <p>1 that.</p> <p>2 Other than what you've testified to, do</p> <p>3 you recall anything else said in that August,</p> <p>4 2008 meeting?</p> <p>5 A. We just strongly emphasized our</p> <p>6 concerns about officer safety.</p> <p>7 Q. Sure.</p> <p>8 A. And she just reiterated that, you know,</p> <p>9 at no time will we be compromised and she</p> <p>10 commended us for coming forward.</p> <p>11 Q. Okay.</p> <p>12 A. We asked, well, what happens next. And</p> <p>13 she said, well, what happens next is you're</p> <p>14 going to work with these people.</p> <p>15 Q. Okay.</p> <p>16 A. So what do you say, no?</p> <p>17 Q. I mean --</p> <p>18 A. I mean, what are you asking me?</p> <p>19 Q. Was your work with the FBI on Operation</p> <p>20 Brass Tax after that meeting, are you saying it</p> <p>21 wasn't something that you and your partner</p> <p>22 voluntarily agreed to and decided to do or were</p> <p>23 you forced to do it?</p> <p>24 A. I think it was pretty much ordered to</p>	<p style="text-align: right;">Page 31</p> <p>1 A. Okay.</p> <p>2 Q. Paragraph 30 indicates that over the</p> <p>3 next several years you and your partner continue</p> <p>4 to work on Operation Brass Tax. And it says</p> <p>5 that during that time, you were also encouraged</p> <p>6 by CPD command staff to develop other Narcotics</p> <p>7 related cases; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. What CPD command staff encouraged you</p> <p>10 to develop other Narcotics cases during this</p> <p>11 period of time?</p> <p>12 A. Chief Rivera.</p> <p>13 Q. Anyone other than Chief Rivera?</p> <p>14 A. I want to say that's it primarily.</p> <p>15 Q. Okay. And during this period of time,</p> <p>16 did you --</p> <p>17 A. Develop information?</p> <p>18 Q. -- work on other Narcotics cases or</p> <p>19 develop information for Narcotics cases?</p> <p>20 A. Yes.</p> <p>21 Q. And you and your partner did that</p> <p>22 working with Sergeant Padar, correct?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. Did you do any other Narcotics</p>
<p style="text-align: right;">Page 30</p> <p>1 do so at that point. And I mean, do you say no</p> <p>2 to a chief?</p> <p>3 Q. I mean, was it something you wanted to</p> <p>4 say no to and you felt you were being forced to</p> <p>5 do?</p> <p>6 A. It's kind of hard to say what I felt at</p> <p>7 that time. I felt everything.</p> <p>8 Q. Okay.</p> <p>9 A. I felt I was ordered, I felt I needed</p> <p>10 to do it, I felt it was the right thing, I felt</p> <p>11 I was going to feel some consequences, I feared</p> <p>12 the code of silence, I feared retaliation, I</p> <p>13 felt everything.</p> <p>14 Q. Okay.</p> <p>15 A. Stress, everything.</p> <p>16 Q. I understand. You start working on the</p> <p>17 Watts investigation and reporting to the FBI.</p> <p>18 And my question to you is was that something</p> <p>19 that you agreed to do or you were compelled to</p> <p>20 do against your wishes?</p> <p>21 A. I agreed to follow an order.</p> <p>22 Q. Okay.</p> <p>23 A. Does that answer it?</p> <p>24 Q. Yes.</p>	<p style="text-align: right;">Page 32</p> <p>1 work or develop any other Narcotics leads</p> <p>2 separate and apart from working with Sergeant</p> <p>3 Padar?</p> <p>4 A. Yes, we did. We had to gather as much</p> <p>5 intelligence as possible in the event that</p> <p>6 Ronald Watts was to be engaged so that he would</p> <p>7 have something positive, because the man knows</p> <p>8 what he's doing.</p> <p>9 Q. Okay. Other than working I guess under</p> <p>10 the direction of Sergeant Padar during this</p> <p>11 period, was there any other sergeants who were</p> <p>12 directing your work in developing Narcotics</p> <p>13 information?</p> <p>14 A. No.</p> <p>15 Q. Okay. By the way, as of the time of</p> <p>16 the August, 2008 meeting that you testified to,</p> <p>17 do you have any personal knowledge as to whether</p> <p>18 Nick Roti knew at that time that you and your</p> <p>19 partner had been working with the FBI on</p> <p>20 Operation Brass Tax?</p> <p>21 A. To the best of my knowledge, no.</p> <p>22 Q. You don't know?</p> <p>23 A. (Nodding.)</p> <p>24 Q. You don't know?</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
33-36

<p style="text-align: right;">Page 33</p> <p>1 A. No, no.</p> <p>2 Q. Okay. Was there ever a time that you</p> <p>3 reported to or were working with a Lieutenant</p> <p>4 Cervanka?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. What period of time was that?</p> <p>7 A. That was my immediate lieutenant when I</p> <p>8 got assigned to and borrowed to Narcotics.</p> <p>9 Q. Okay. At any time after you started</p> <p>10 working on the Watts investigation, either with</p> <p>11 the FBI or later with the FBI and CPD, did you</p> <p>12 work with or report to Lieutenant Cervanka?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 A. Our direct order from Chief Skahill was</p> <p>16 to report to Tom Chester and the agent at that</p> <p>17 building on Roosevelt.</p> <p>18 Q. Okay. Did you ever have occasion to</p> <p>19 work for or report to a Lieutenant Navarro?</p> <p>20 A. No.</p> <p>21 Q. During the time that you were reporting</p> <p>22 to the FBI but also developing Narcotics leads</p> <p>23 under the direction of Sergeant Padar, was there</p> <p>24 anyone else besides Sergeant Chester that you</p>	<p style="text-align: right;">Page 35</p> <p>1 A. Days, a week.</p> <p>2 Q. Okay.</p> <p>3 A. Roughly.</p> <p>4 Q. Okay. So that was the plan coming out</p> <p>5 of that meeting. So I assume the fact that</p> <p>6 the -- the detail to Detached Services you're</p> <p>7 not claiming was retaliation, are you?</p> <p>8 A. No.</p> <p>9 Q. Okay.</p> <p>10 A. That was the way to go because they had</p> <p>11 many units come out of Detached. They had the</p> <p>12 Mayor's detail.</p> <p>13 Q. Sure.</p> <p>14 A. I think a court section, you had a City</p> <p>15 Hall detail.</p> <p>16 Q. Sure.</p> <p>17 A. I want to say DEA, Chicago Park</p> <p>18 District. I mean, there were many, many units</p> <p>19 that would come out of there. And I guess that</p> <p>20 was the best way in the event Watts was to look</p> <p>21 something up --</p> <p>22 Q. Sure.</p> <p>23 A. -- it wouldn't be very specific.</p> <p>24 Q. Sure. That was the best place they</p>
<p style="text-align: right;">Page 34</p> <p>1 were reporting to at that time?</p> <p>2 A. No.</p> <p>3 Q. So did you tell the FBI you were</p> <p>4 working on non-Watts Narcotics cases, as well?</p> <p>5 A. Everything was Watts. Even the non --</p> <p>6 even what you say is non or Padar, that was</p> <p>7 information that you needed to know. So in the</p> <p>8 event Watts was to become a scenario, you have a</p> <p>9 positive lead to give Watts, because he would</p> <p>10 know if something was false or not.</p> <p>11 Q. Okay. So all of the Narcotics leads</p> <p>12 and work you did while you were reporting to the</p> <p>13 FBI and working with Sergeant Padar, you felt</p> <p>14 was related to the Watts investigation?</p> <p>15 A. Absolutely.</p> <p>16 Q. Okay.</p> <p>17 A. Watts was a big Narcotics person.</p> <p>18 Q. Okay. I'm assuming the decision</p> <p>19 itself -- well, strike that.</p> <p>20 You were detailed to Detached Services</p> <p>21 shortly -- was it shortly after the August, 2008</p> <p>22 meeting?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Do you remember how soon after?</p>	<p style="text-align: right;">Page 36</p> <p>1 thought to put you to allow you to work on this</p> <p>2 confidential investigation?</p> <p>3 A. Yes.</p> <p>4 MR. SMITH: Objection, foundation.</p> <p>5 BY MR. KING:</p> <p>6 Q. Okay. And in Paragraph 31, it says, on</p> <p>7 an unknown date, information that Plaintiffs had</p> <p>8 reported criminal misconduct by a sworn officer</p> <p>9 and were working with an outside investigation</p> <p>10 was leaked within the department and became</p> <p>11 known to Defendant Commander O'Grady. Is that</p> <p>12 your understanding?</p> <p>13 A. Yes.</p> <p>14 Q. What's the basis of that allegation,</p> <p>15 that this became leaked and known to Commander</p> <p>16 O'Grady?</p> <p>17 A. Chief Rivera stated that to us.</p> <p>18 Q. Okay. And I know here it says, on an</p> <p>19 unknown date. Do you have any recollection of</p> <p>20 approximately when this was?</p> <p>21 A. I wish I did.</p> <p>22 Q. Okay. And you said Chief Rivera</p> <p>23 related this to you. Was this in a meeting or a</p> <p>24 phone conversation?</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
37-40

<p style="text-align: right;">Page 37</p> <p>1 A. It was in a meeting.</p> <p>2 Q. And was it you and Officer Spalding</p> <p>3 both present?</p> <p>4 A. Yes.</p> <p>5 Q. And where did this meeting take place?</p> <p>6 A. It could have been in his office or in</p> <p>7 the hallway at headquarters.</p> <p>8 Q. Okay.</p> <p>9 A. He stated --</p> <p>10 Q. Was anybody else present in the</p> <p>11 meeting?</p> <p>12 A. No.</p> <p>13 Q. Okay. What's your best recollection of</p> <p>14 everything that was said in that conversation?</p> <p>15 A. I'm going to keep it sweet and short.</p> <p>16 He said, I may have fucked up.</p> <p>17 Q. Okay.</p> <p>18 A. I told Ernie Brown about you and what</p> <p>19 you guys are doing.</p> <p>20 Q. Okay. Do you remember Chief Rivera</p> <p>21 saying anything else?</p> <p>22 A. I said, why would you do that.</p> <p>23 Q. Who said that?</p> <p>24 A. We did, Shannon and myself.</p>	<p style="text-align: right;">Page 39</p> <p>1 harassment. And then the next paragraph talks</p> <p>2 about an incident on approximately August 17,</p> <p>3 2010 where O'Grady allegedly refused to approve</p> <p>4 a confidential informant.</p> <p>5 The August 17, 2010 incident where</p> <p>6 O'Grady allegedly refused to approve a</p> <p>7 confidential informant, that was the first</p> <p>8 incident of alleged retaliation that you're</p> <p>9 change in this lawsuit, correct?</p> <p>10 A. That's what made it very apparent.</p> <p>11 Q. That was the first incident of</p> <p>12 retaliation that you're claiming in this</p> <p>13 lawsuit, correct?</p> <p>14 MR. SMITH: Objection, form of the</p> <p>15 question, asked and answered.</p> <p>16 THE WITNESS: Let me stop and think. I</p> <p>17 mean, there were so many incidents over the</p> <p>18 course of time. I don't recall if that was the</p> <p>19 first or not.</p> <p>20 BY MR. KING:</p> <p>21 Q. Okay. Well, you're alleging that it</p> <p>22 was in that month of August, 2010 when this</p> <p>23 information got leaked to O'Grady, correct?</p> <p>24 A. Okay.</p>
<p style="text-align: right;">Page 38</p> <p>1 Q. Okay.</p> <p>2 A. He said, I just fucked up.</p> <p>3 Q. Okay. Do you recall --</p> <p>4 A. Ernie Brown at that time I think was</p> <p>5 Chief of Patrol or Chief of Organized Crime or</p> <p>6 something. Not Organized Crime, but he was</p> <p>7 chief, as well. And --</p> <p>8 Q. Okay. Let me just --</p> <p>9 A. Okay.</p> <p>10 Q. -- stop you.</p> <p>11 A. That's fine.</p> <p>12 Q. I just want to hear about the</p> <p>13 conversation.</p> <p>14 A. All right.</p> <p>15 Q. Other than what you testified to, do</p> <p>16 you recall anything else that you, Officer</p> <p>17 Spalding or Chief Rivera, said in that</p> <p>18 conversation?</p> <p>19 A. I mean, that was damaging enough to</p> <p>20 me.</p> <p>21 Q. Is that a no?</p> <p>22 A. No.</p> <p>23 Q. Okay. Paragraph 33 says, in August,</p> <p>24 2010 Defendant O'Grady began a campaign of</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. And then you're also alleging that on</p> <p>2 August 17th, O'Grady did something that you</p> <p>3 allege is retaliatory, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Correct?</p> <p>6 A. Yes.</p> <p>7 Q. So wouldn't you agree that the</p> <p>8 August 17, 2010 incident involving the</p> <p>9 confidential informant would have been the first</p> <p>10 thing that you're claiming was retaliation?</p> <p>11 A. Sure. Let's go ahead and say yes.</p> <p>12 Q. Okay. And with respect to that</p> <p>13 incident in Paragraph 34, it says that</p> <p>14 Plaintiffs submitted paperwork to Defendant</p> <p>15 O'Grady seeking approval of a confidential</p> <p>16 informant. Although he initially approved the</p> <p>17 application --</p> <p>18 A. He rescinded it.</p> <p>19 Q. -- he rescinded it?</p> <p>20 A. Yes.</p> <p>21 Q. Do you recall that incident?</p> <p>22 A. Yes, I do.</p> <p>23 Q. What's the basis for your allegation</p> <p>24 that he initially approved it and then rescinded</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
41-44

<p style="text-align: right;">Page 41</p> <p>1 it?</p> <p>2 A. The statement made to us by Sergeant</p> <p>3 James Padar.</p> <p>4 Q. Okay. And was this an in-person</p> <p>5 conversation?</p> <p>6 A. Yes, yes.</p> <p>7 Q. Was it just you and Officer Spalding</p> <p>8 and Officer Padar present?</p> <p>9 A. Yes, he was present.</p> <p>10 Q. Okay. Was anybody else present?</p> <p>11 A. To the best of my knowledge, that was</p> <p>12 pretty much that.</p> <p>13 Q. What do you recall being said in that</p> <p>14 conversation about the subject of O'Grady and</p> <p>15 this confidential informant?</p> <p>16 A. James Padar said, O'Grady is not going</p> <p>17 to approve this.</p> <p>18 Q. Okay.</p> <p>19 A. He said, scratch those two rats' names</p> <p>20 off of that package and I'll sign it. They're</p> <p>21 IAD rats.</p> <p>22 Q. So Padar is telling you what O'Grady</p> <p>23 allegedly said to him?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 43</p> <p>1 floored by it.</p> <p>2 Q. Okay.</p> <p>3 A. I was appalled.</p> <p>4 Q. That's assuming Padar was telling you</p> <p>5 the truth about the conversation with O'Grady,</p> <p>6 correct?</p> <p>7 A. Sure, you can assume that.</p> <p>8 Q. Do you recall anything else being said</p> <p>9 in that conversation?</p> <p>10 A. Like I said, that was damaging enough</p> <p>11 to me.</p> <p>12 Q. Do you recall anything else being said</p> <p>13 in that conversation?</p> <p>14 A. To the best of my knowledge, that</p> <p>15 summed it up.</p> <p>16 Q. Okay. There's an allegation in</p> <p>17 Paragraph 34 that O'Grady initially approved the</p> <p>18 application.</p> <p>19 A. Yes.</p> <p>20 Q. What's the basis for your understanding</p> <p>21 that he initially approved the application?</p> <p>22 A. I want to say Padar said it. He</p> <p>23 initially approved it -- he saw your names and</p> <p>24 he said, take those -- you know what I said.</p>
<p style="text-align: right;">Page 42</p> <p>1 Q. Okay. Do you recall anything else said</p> <p>2 in those -- in that conversation?</p> <p>3 A. Yeah. And he said that our paths are</p> <p>4 not to cross again.</p> <p>5 Q. Padar told you that O'Grady said --</p> <p>6 A. That our -- they are not to cross our</p> <p>7 path from that moment forward again.</p> <p>8 Q. Okay.</p> <p>9 A. And, God help them if they need some</p> <p>10 help, it ain't coming, you're not to help them</p> <p>11 out.</p> <p>12 Q. Okay.</p> <p>13 A. Padar was very forward saying it,</p> <p>14 firm.</p> <p>15 Q. Okay. And do you recall anything else</p> <p>16 being said in that conversation?</p> <p>17 A. That was damaging enough to me.</p> <p>18 Q. Okay. That would be a no?</p> <p>19 A. It could be more. At that point I was</p> <p>20 so shocked to hear that coming, that a commander</p> <p>21 would say something like that.</p> <p>22 Q. Okay.</p> <p>23 A. There may have been more and I was just</p> <p>24 focused on what was just said, because I was</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Okay.</p> <p>2 A. I'm just going to be repeating myself.</p> <p>3 Q. Okay. When Padar said that he</p> <p>4 initially approved it, was it your understanding</p> <p>5 that O'Grady had signed the request?</p> <p>6 A. I believed he did --</p> <p>7 Q. Okay.</p> <p>8 A. -- if he -- you know, a sergeant tells</p> <p>9 you that.</p> <p>10 (Whereupon, Echeverria</p> <p>11 Deposition Exhibit No. 2 was</p> <p>12 marked for identification.)</p> <p>13 BY MR. KING:</p> <p>14 Q. Officer Echeverria, I'm showing you</p> <p>15 what's been marked as Deposition Exhibit No. 2.</p> <p>16 I just ask you if you've ever seen this</p> <p>17 document before.</p> <p>18 A. Yes.</p> <p>19 Q. And this was the request for approval</p> <p>20 of a confidential informant that you've been</p> <p>21 testifying to, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And is it your understanding that James</p> <p>24 O'Grady signed this document?</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
45-48

<p style="text-align: right;">Page 45</p> <p>1 A. I can't read the signature. But the 2 signature above commander, I would assume would 3 be his. 4 Q. And by assuming that signature is his, 5 that's why you assumed that he initially 6 approved it? 7 A. Yes. 8 Q. Okay. 9 A. Like I said, but I can't read that 10 chicken scratch. 11 Q. Okay. 12 A. Sorry. 13 Q. That's fine. 14 A. I'm assuming because it says commander 15 and his signature is right above it. 16 Q. Right. 17 A. Plus what Padar had said. 18 Q. Okay. 19 A. I mean, that was enough for me. 20 (Whereupon, Echeverria 21 Deposition Exhibit No. 3 was 22 marked for identification.) 23 BY MR. KING: 24 Q. Officer Echeverria, I'm showing you</p>	<p style="text-align: right;">Page 47</p> <p>1 Defendant O'Grady ordered that the unit was not 2 to work with Plaintiffs and personnel in the 3 unit should not assist Plaintiffs. Do you see 4 that? 5 A. Yes. 6 Q. Okay. And is the basis for that 7 allegation what you've already testified to that 8 Sergeant Padar told you? 9 A. Yes. 10 Q. If you turn to the -- strike that. 11 Paragraph 36 of the Amended Complaint 12 indicates that Defendant O'Grady had 13 intentionally prohibited you and Officer 14 Spalding from earning overtime. Is that your 15 impression? 16 A. Yes. 17 Q. What's the basis for that allegation? 18 A. We could no longer participate in other 19 Narcotics intelligence as we were doing with 20 Sergeant Padar. 21 Q. Okay. So is it your testimony that 22 after Sergeant Padar related to you what 23 Commander O'Grady had allegedly said, you and 24 your partner did not do any more --</p>
<p style="text-align: right;">Page 46</p> <p>1 another document that's been marked Deposition 2 Exhibit No. 3, which appears to be a copy of the 3 first page of Exhibit 2, but it has sort of a 4 note on it -- 5 A. Yes. 6 Q. -- that says Sergeant Padar. 7 A. Okay. 8 Q. Have you ever seen this version of the 9 document? 10 A. I may have, I may have not. I can't 11 tell you. 12 Q. You don't recall, okay. That's fine. 13 A. It looks like it's the same document. 14 Q. Yeah, all right. 15 As far as you can tell, Exhibit 2 and 16 Exhibit 3 are the same document, just with a 17 note on it, correct? 18 A. Correct. 19 Q. Okay. I'm directing your attention 20 back to Paragraph 35 of the Amended Complaint. 21 It states, Defendant O'Grady then informed 22 supervising personnel in the unit that 23 Plaintiffs were rats, meaning that they had 24 reported other police officers' misconduct.</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Correct. It was clear. 2 Q. Okay. You and your partner did not do 3 any more working-up or providing intelligence on 4 Narcotics cases? 5 A. Not -- right. 6 Q. Okay. If you'll just take a moment and 7 look at Paragraphs 38, 39 and 40 of the Amended 8 Complaint. And there are references to a 9 meeting and certain things being said. I'm just 10 asking if it's your understanding that 11 Paragraphs 38, 39 and 40 refer to a single 12 meeting. 13 A. Let me read through it. 14 Q. Sure. 15 A. Okay. What's the question? 16 Q. Is it your understanding that those 17 paragraphs refer to a single meeting? 18 A. Sure. 19 Q. Okay. And -- 20 A. I'm sorry. Unless they -- unless those 21 Defendants had other meetings. 22 Q. But you don't know whether they did or 23 not, correct? 24 A. Right.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
49-52

<p style="text-align: right;">Page 49</p> <p>1 Q. Correct?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. But there is a reference to a</p> <p>4 meeting where Defendant O'Grady allegedly said</p> <p>5 certain things and Chief Roti was allegedly</p> <p>6 present at the meeting --</p> <p>7 A. Yes.</p> <p>8 Q. -- and concurred with Defendant</p> <p>9 O'Grady. How did you learn about that meeting?</p> <p>10 A. Chief Rivera.</p> <p>11 Q. Okay. And you and Officer Spalding</p> <p>12 were not present at that meeting, correct?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 A. The only meeting we were present is</p> <p>16 when we had it with Chief Rivera.</p> <p>17 Q. Okay. And do you recall approximately</p> <p>18 when Chief Rivera told you about this meeting?</p> <p>19 A. It had to have been right after it, a</p> <p>20 day after it. I'm sure it wasn't a week or two</p> <p>21 weeks or three weeks after it. It was probably</p> <p>22 an immediate time frame.</p> <p>23 Q. Okay. And was that an in-person</p> <p>24 conversation?</p>	<p style="text-align: right;">Page 51</p> <p>1 mean, all of this because we did the right thing</p> <p>2 and came forward. I may have zoned out</p> <p>3 everything that may have been said. But like I</p> <p>4 said, those were very firm statements and I</p> <p>5 never thought I would hear that coming from a</p> <p>6 chief or a commander.</p> <p>7 Q. Okay. But you don't remember Chief</p> <p>8 Rivera explaining any sort of context of why</p> <p>9 there was a meeting where Roti and O'Grady were</p> <p>10 allegedly discussing you?</p> <p>11 A. Give me a second to review it again.</p> <p>12 Q. Sure.</p> <p>13 A. It's hard to pinpoint it.</p> <p>14 Q. Sure.</p> <p>15 A. At that time obviously our identities</p> <p>16 were already compromised and it may have been a</p> <p>17 meeting due to that.</p> <p>18 Q. You don't know the context of that</p> <p>19 meeting?</p> <p>20 A. No.</p> <p>21 Q. Okay. Do you recall --</p> <p>22 A. At least I don't recall at this time.</p> <p>23 Q. Sure. Do you recall Chief Rivera</p> <p>24 telling you anything else that was said in the</p>
<p style="text-align: right;">Page 50</p> <p>1 A. Yes.</p> <p>2 Q. And just you and Officer Spalding and</p> <p>3 Chief Rivera present?</p> <p>4 A. Correct.</p> <p>5 Q. What do you recall being said by Chief</p> <p>6 Rivera or by either of you in the meeting?</p> <p>7 A. I want to say that he reiterated,</p> <p>8 obviously, what Commander O'Grady stated. He</p> <p>9 said Nick Roti concurred with them. I want to</p> <p>10 say at that point he may have also told us our</p> <p>11 careers were over.</p> <p>12 Q. Was it your understanding that Chief</p> <p>13 Rivera was also in that meeting?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 A. Because he was telling us what had</p> <p>17 occurred during that meeting.</p> <p>18 Q. Do you recall him giving you any</p> <p>19 context of why there was a meeting where the two</p> <p>20 of you were discussed or how that came to be?</p> <p>21 A. Like I said, we had so many meetings.</p> <p>22 And, again, I was appalled by him saying our</p> <p>23 careers were over, the comments that he was</p> <p>24 saying that O'Grady made, that we were rats. I</p>	<p style="text-align: right;">Page 52</p> <p>1 meeting, other than what you've already</p> <p>2 testified to?</p> <p>3 A. The best of my knowledge, not at this</p> <p>4 time.</p> <p>5 Q. Okay. Paragraph 43 indicates that</p> <p>6 Defendant Chief Roti would not allow Plaintiffs</p> <p>7 to work in any unit in the bureau. What's your</p> <p>8 basis for that understanding?</p> <p>9 A. I believe also Chief Rivera told us</p> <p>10 that.</p> <p>11 Q. Okay. And did he tell you that Chief</p> <p>12 Roti had said that in that same meeting that we</p> <p>13 were just discussing?</p> <p>14 A. Possibly, yes.</p> <p>15 Q. Okay.</p> <p>16 A. See, the thing is Chief Roti controls</p> <p>17 like 98 percent or 99 percent of the Organized</p> <p>18 Crime, which would be Vice, Violent Task Force,</p> <p>19 Gang Intelligence, Narcotics. And those were --</p> <p>20 Q. I understand.</p> <p>21 A. Those were all units that we were -- we</p> <p>22 could have worked. But because of the</p> <p>23 compromise in our identity and what they</p> <p>24 believed us being rats, he hindered that.</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
53-56

<p style="text-align: right;">Page 53</p> <p>1 Q. That's your belief?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 A. I strongly believe so.</p> <p>5 Q. Okay. And in Paragraph 44 it indicates</p> <p>6 that you and Officer Spalding were informed that</p> <p>7 none of the bosses wanted to work with you and</p> <p>8 your careers are over.</p> <p>9 That was all -- also you're claiming</p> <p>10 what Chief Rivera told you had been said in that</p> <p>11 meeting?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Was Rivera giving his personal</p> <p>14 opinion that, if you know, that your careers</p> <p>15 were over or was he telling you that that was</p> <p>16 said in the meeting?</p> <p>17 A. He was --</p> <p>18 Q. If you know.</p> <p>19 A. He was quoting it.</p> <p>20 Q. Okay.</p> <p>21 A. I don't think it was personal opinion.</p> <p>22 It could have been both.</p> <p>23 Q. Okay.</p> <p>24 A. He quoted it because of what happened</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. Okay. But Chief Skahill didn't promise</p> <p>2 you that --</p> <p>3 A. Nothing was promised.</p> <p>4 Q. Nothing was promised you in the way of</p> <p>5 a promotion, correct?</p> <p>6 A. No.</p> <p>7 Q. Okay.</p> <p>8 A. Nothing was said, like you do this and</p> <p>9 I'm going to make you this. It was nothing like</p> <p>10 that.</p> <p>11 Q. Okay. And, in fact, you understand the</p> <p>12 way that meritorious promotions are made, you'd</p> <p>13 have to be recommended for that, the merit board</p> <p>14 would have to approve it and then ultimately the</p> <p>15 superintendent would approve the promotion,</p> <p>16 correct?</p> <p>17 A. I have a synopsis of how it works. I</p> <p>18 have a good idea, you know, but I can't cite to</p> <p>19 you --</p> <p>20 Q. Sure.</p> <p>21 A. -- you know, step by step.</p> <p>22 Q. Okay.</p> <p>23 A. But that sounds accurate.</p> <p>24 Q. Okay, fair enough.</p>
<p style="text-align: right;">Page 54</p> <p>1 in the meeting, then gave his opinion agreeing</p> <p>2 to it instead of putting a stop to it, if you</p> <p>3 ask me.</p> <p>4 Q. Okay.</p> <p>5 A. He should have put a stop to it right</p> <p>6 then. He's chief, too.</p> <p>7 Q. Okay. Let's go back for a minute to</p> <p>8 the August, 2008 meeting with Chief Skahill --</p> <p>9 A. Okay.</p> <p>10 Q. -- and other individuals.</p> <p>11 A. Sure.</p> <p>12 Q. Was there any discussion in that</p> <p>13 meeting of the subject of possible promotions</p> <p>14 for you and Officer Spalding?</p> <p>15 A. I believe we did discuss what would</p> <p>16 happen afterwards.</p> <p>17 Q. Okay.</p> <p>18 A. And there was some options, you know,</p> <p>19 coming over to stay working IAD I think was one.</p> <p>20 I had mentioned, you know, we both had taken</p> <p>21 sergeant and detective exams. And she said,</p> <p>22 well, this is a merit -- you know it would be a</p> <p>23 merit -- I commend you for coming forward and</p> <p>24 that would not be out of the scope.</p>	<p style="text-align: right;">Page 56</p> <p>1 (Whereupon, Echeverria</p> <p>2 Deposition Exhibit No. 4 was</p> <p>3 marked for identification.)</p> <p>4 BY MR. KING:</p> <p>5 Q. Officer Echeverria, I'm showing you</p> <p>6 another document that's been marked as</p> <p>7 Deposition Exhibit No. 4. I'll just ask you to</p> <p>8 take a look at this document and let me know if</p> <p>9 you've ever seen it before. It's a two-page</p> <p>10 Overtime/Compensatory Time Report.</p> <p>11 A. Uh-huh.</p> <p>12 Q. Have you seen this before?</p> <p>13 A. Yeah, it's a time due slip you get it</p> <p>14 for overtime or comp time or paid time.</p> <p>15 Q. Okay. And it indicates -- it's signed</p> <p>16 by you on the first page and by Sergeant Padar,</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And do you recall whether this</p> <p>20 was for some overtime that you worked?</p> <p>21 A. It had to be if I'm turning it in for</p> <p>22 paid overtime worked.</p> <p>23 Q. Okay. And can the sergeant approve</p> <p>24 overtime or does that also have to be approved</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014

57-60

<p style="text-align: right;">Page 57</p> <p>1 by someone above the sergeant?</p> <p>2 A. Well, the sergeant is going to call and</p> <p>3 say, hey, I have such overtime I'm going to do</p> <p>4 and of course somebody is going to approve it.</p> <p>5 Q. Okay.</p> <p>6 A. They're going to leave it at the</p> <p>7 discretion of the sergeant.</p> <p>8 Q. Okay. Was it your understanding to get</p> <p>9 this process and be paid, does somebody other</p> <p>10 than the sergeant have to sign it --</p> <p>11 A. Yes.</p> <p>12 Q. -- if you know? Who?</p> <p>13 A. Yeah.</p> <p>14 Q. And who has to sign off on it?</p> <p>15 A. The sergeant supervisor.</p> <p>16 Q. A lieutenant or a commander?</p> <p>17 A. Lieutenant, captain, commander, acting</p> <p>18 commander, acting lieutenant.</p> <p>19 Q. Okay. As you sit here today with</p> <p>20 respect to this overtime dated August 4, 2010,</p> <p>21 do you know one way or the other whether you and</p> <p>22 Spalding were paid this overtime?</p> <p>23 A. I'm sure we did.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 59</p> <p>1 was there.</p> <p>2 Q. And that was Terry Hillard?</p> <p>3 A. Hillard, yeah. I received a phone call</p> <p>4 from Jill Stevens requesting -- I can't think of</p> <p>5 the name of the form.</p> <p>6 Q. Okay. And who is Jill Stevens?</p> <p>7 A. Jill Stevens was a sergeant in Detached</p> <p>8 Services who was acting lieutenant at the time.</p> <p>9 Because Lieutenant Glatz was the lieutenant and</p> <p>10 acting commander.</p> <p>11 Q. Okay.</p> <p>12 A. And I believe she was on furlough about</p> <p>13 that time. And --</p> <p>14 Q. Okay. And did you have an</p> <p>15 understanding that Jill was calling for this</p> <p>16 form?</p> <p>17 A. I didn't know what she was calling for</p> <p>18 until I spoke to her.</p> <p>19 Q. Okay, sure.</p> <p>20 A. And when she asked me for the form, I</p> <p>21 didn't know --</p> <p>22 Q. Do you recall what you said?</p> <p>23 A. -- what it was. I said -- yeah, I</p> <p>24 recall. I spoke to the woman.</p>
<p style="text-align: right;">Page 58</p> <p>1 A. I'd be grieving it, if I didn't.</p> <p>2 Q. Okay. If I could turn your attention</p> <p>3 now to paragraphs -- beginning with Paragraph 45</p> <p>4 that indicate that Defendant Debra Kirby caused</p> <p>5 the Plaintiffs to be removed from their detail</p> <p>6 to Unit 543, Detached Services.</p> <p>7 What's the basis for the allegation</p> <p>8 that Defendant Kirby caused you to be removed</p> <p>9 from Detached Services?</p> <p>10 A. Again, Chief Rivera.</p> <p>11 Q. Okay. And was this an in-person</p> <p>12 meeting that you had with Chief Rivera?</p> <p>13 A. It may have started as a phone and then</p> <p>14 eventually in person or vise versa. We had many</p> <p>15 meetings with him in person and we had many</p> <p>16 conversations with him on the phone.</p> <p>17 Q. I understand.</p> <p>18 A. I can't pinpoint, I mean.</p> <p>19 Q. Okay. Well, explain to me what the</p> <p>20 basis is for your allegation that Debra Kirby</p> <p>21 caused you and your partner to be removed from</p> <p>22 Detached Services.</p> <p>23 A. It was a change in command, I believe,</p> <p>24 coming. That's when the interim superintendent</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Sure.</p> <p>2 A. She asked me for the form. Let's just</p> <p>3 call it the form.</p> <p>4 Q. Sure.</p> <p>5 A. And I said, well, can I call you back</p> <p>6 regarding the form.</p> <p>7 Q. Sure.</p> <p>8 A. I'm unfamiliar with it.</p> <p>9 Q. Sure.</p> <p>10 A. And she said, yes, do so, please.</p> <p>11 Q. Okay. Was that all you recall in that</p> <p>12 first conversation?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And then you do call her back?</p> <p>15 A. After I speak to Chief Rivera.</p> <p>16 Q. Okay. Tell me about the conversation</p> <p>17 with Chief Rivera.</p> <p>18 A. I called Chief Rivera and I tell him</p> <p>19 I'm receiving a phone call from Jill Stevens and</p> <p>20 she's requesting the form and I don't know what</p> <p>21 she's speaking of. And he directed me to --</p> <p>22 what to answer her.</p> <p>23 Q. What did he tell you to answer her?</p> <p>24 A. He said, tell her it's all been taken</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
61-64

<p style="text-align: right;">Page 61</p> <p>1 care of, the superintendent knows about it, 2 knows what you're doing. He has full knowledge, 3 he's been briefed. 4 Q. Okay. 5 A. And you -- any more questions regarding 6 it, she needs to contact Debra Kirby. 7 Q. Okay. 8 A. And at no time are you to tell her that 9 I am the one instructing you to do so or they 10 will know. 11 Q. Okay. 12 A. I called her back, I stated verbatim. 13 Q. Okay. Let me just ask you this. 14 A. Okay, go ahead. 15 Q. Did you -- you understood that at that 16 point that Jill Stevens was calling requesting 17 the information that the superintendent wanted, 18 correct? 19 A. She never mentioned the superintendent 20 wanted it. 21 Q. Okay. Did you have any understanding 22 of what -- of who she was requesting that 23 information for? 24 A. Not at that time. During the second</p>	<p style="text-align: right;">Page 63</p> <p>1 it again. 2 And she said, well, I will tell her, 3 meaning B. Cuello, that you won't give me this, 4 you are being -- you are refusing. And I said, 5 no, I'm not refusing. I said, why don't you 6 call Deb Kirby? That's what I was instructed to 7 tell you. 8 Q. Okay. 9 A. And she hung up. She literally left me 10 with the phone in my ear. 11 Q. Okay. And when Jill Stevens indicated 12 what she was going to tell her, it's your 13 understanding she was referring to B. Cuello? 14 A. Yes. 15 Q. Okay. Did she say that or how did you 16 come to that understanding? 17 A. She told me. 18 Q. Okay. 19 A. She said, her. There's no her up there 20 that's above her. It's B. Cuello. 21 Q. Okay. And do you recall -- 22 A. Or at least she wasn't going to tell 23 Nelly the secretary. 24 Q. Do you recall what B. Cuello's position</p>
<p style="text-align: right;">Page 62</p> <p>1 conversation, yes. 2 Q. Okay. So after your conversation with 3 Chief Rivera, you called Jill Stevens back? 4 A. Right. 5 Q. And it's a conversation with just the 6 two of you on the phone? 7 A. Correct. 8 Q. And what do you recall being said by 9 you or by her in that conversation? 10 A. I quoted verbatim what Chief Rivera 11 told me to quote. 12 Q. Okay. 13 A. And she said, who's telling you to say 14 this? 15 Q. Okay. 16 A. I told her, Sergeant, I apologize, I 17 don't want to sound condescending or 18 noncompliant, but I've been ordered not -- I 19 cannot disclose that information. I've been 20 ordered not to disclose that information. 21 Q. Okay. 22 A. And again she asked me. 23 Q. Okay. 24 A. And I was apologetic to her, I repeated</p>	<p style="text-align: right;">Page 64</p> <p>1 was at the time? 2 A. I believe she was deputy superintendent 3 or one of the deputy superintendents. 4 Q. Okay. So you -- at least by the time 5 that conversation was over, you had an 6 understanding that the superintendent or at 7 least the deputy superintendent wanted this 8 information, correct? 9 A. No. I still understood that B. Cuello 10 was asking for it. 11 Q. Okay. 12 A. Based on Jill Stevens' conversation. 13 Q. Okay. Sure, right. 14 A. At no time did she say the 15 superintendent wants it. 16 Q. Sure. 17 A. She said, I will tell her. So I 18 wasn't -- I mean, there hasn't been a female 19 superintendent, to the best of my knowledge. 20 Q. I got it. 21 A. Sorry, but I mean, I've got to have 22 humor out of this whole situation sometimes to 23 keep me going. 24 Q. Fair enough, fair enough.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
65-68

<p style="text-align: right;">Page 65</p> <p>1 After that conversation, the second 2 conversation with Jill Stevens, do you then call 3 Chief Rivera back? 4 A. Yeah. 5 Q. Okay. And what do you recall being 6 said by you or by him in that conversation? 7 A. Zero. He never picked up the call 8 again. 9 Q. Okay. So you never had a follow-up 10 conversation with Chief Rivera? 11 A. Not at that time. 12 Q. Okay. At some point you had a 13 conversation with Chief Rivera about your second 14 conversation with Jill Stevens? 15 A. Yes. 16 Q. And was that a telephone conversation? 17 A. It may have, it may have been even in 18 person, I can't... 19 Q. Okay. Do you have any recollection of 20 what was said by you and by Chief Rivera in that 21 conversation? 22 A. Yeah, I believe -- well, there was 23 other phone calls after that. 24 Q. About the Jill Stevens second</p>	<p style="text-align: right;">Page 67</p> <p>1 A. Yeah, he -- correct. He also told us 2 that there was a meeting. That may have been 3 the meeting with Roti and O'Grady again being 4 present. B. Cuello was present. I believe he 5 also quoted that. He stated that after the 6 meeting -- 7 Q. Let me just stop you for one second. 8 What you're testifying to now, are you saying 9 that Chief Rivera told you about this in that 10 conversation where you discussed your second 11 phone call with Jill Stevens? 12 A. No, yeah. Yes, yeah. 13 Q. Okay. Go ahead. 14 A. Whether this was on the phone or in 15 person, he said there was a meeting again. 16 Q. Sure, right. 17 A. I guess these people have a lot of 18 meetings about us. And Deb Kirby had approached 19 him and said, you know, I know who they are, but 20 I didn't recall at the time or something along 21 to that effect. 22 Q. Okay. 23 A. But I can't -- there's no backpedaling 24 now for me. They're going to have to just take</p>
<p style="text-align: right;">Page 66</p> <p>1 conversation? 2 A. Okay. I believe I explained -- I told 3 him what had happened. Whether it was on the 4 phone or in person, I couldn't tell you. 5 Q. Sure. 6 A. At that point he said, that's bullshit, 7 Debra Kirby knows exactly what you were doing. 8 She denied knowing you guys or your involvement. 9 Q. So Chief Rivera told you that Debra 10 Kirby denied knowing you and Officer Spalding -- 11 A. Yeah. 12 Q. -- to report your involvement with 13 Operation Brass Tax? 14 A. Yes. And he also said, B. Cuello knows 15 damn well what you guys have been doing. Shit, 16 you've been in her unit for X amount of time or 17 whatever he quoted. 18 Q. Okay. 19 A. He said, they all know. 20 Q. So your allegation in Paragraph 45 of 21 the Amended Complaint that Debra Kirby caused 22 you and Officer Spalding to be removed from Unit 23 543, that's based on what Chief Rivera told you, 24 correct?</p>	<p style="text-align: right;">Page 68</p> <p>1 the hit on this. Something to that effect. 2 Q. Okay. 3 A. I can't backpedal at this time, it's 4 too late. 5 Q. When Chief Rivera was telling you about 6 this meeting, was it your understanding that he 7 was -- had been in that meeting? 8 A. Yes. 9 Q. Okay. Did he tell you who else was in 10 that meeting? 11 A. I want to say that's when he said 12 B. Cuello was there and he had mentioned that 13 why would she be asking for that damn form, 14 you've been already in her unit for X amount of 15 time, something to that effect. You know, he 16 said it was all bullshit. 17 Q. Other than him -- 18 A. And I quote that. That's what he said. 19 Q. Okay. Other than him -- strike that. 20 Other than your belief that Rivera was 21 in the meeting and Rivera telling you that 22 B. Cuello was in the meeting, did Rivera tell 23 you anyone else that was in that meeting? 24 A. To the best of my knowledge, maybe</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
69-72

<p style="text-align: right;">Page 69</p> <p>1 even -- like I said --</p> <p>2 Q. If you know, if you recall.</p> <p>3 A. I want to say he even said Roti was in</p> <p>4 there.</p> <p>5 Q. You think he may have said Roti was in</p> <p>6 there?</p> <p>7 A. Yeah.</p> <p>8 Q. Do you think he said O'Grady was in</p> <p>9 that meeting?</p> <p>10 A. Yeah. I believe so, too.</p> <p>11 Q. Okay. When you spoke with Chief Rivera</p> <p>12 about your second conversation -- actually,</p> <p>13 either your first or second conversation with</p> <p>14 Jill Stevens, do you remember telling Chief</p> <p>15 Rivera that the conversation with Jill Stevens</p> <p>16 didn't go well?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. Was that after your second</p> <p>19 conversation with her?</p> <p>20 A. Yeah. Because I wasn't able to contact</p> <p>21 him.</p> <p>22 Q. Right, okay.</p> <p>23 A. And I don't know why. I mean, it was</p> <p>24 like short time gaps. It wasn't like I waited a</p>	<p style="text-align: right;">Page 71</p> <p>1 telling you anything else about that meeting?</p> <p>2 A. And then what I said about Kirby.</p> <p>3 Q. Okay. And did you learn at some point</p> <p>4 after that conversation that you and Officer</p> <p>5 Spalding were going to be sent back to patrol?</p> <p>6 A. Yes.</p> <p>7 Q. How did you come to learn that?</p> <p>8 A. I received a phone call from Deputy</p> <p>9 Superintendent James Jackson or Jimmy Jackson.</p> <p>10 Q. Okay. And was that just you and Jimmy</p> <p>11 Jackson on the phone?</p> <p>12 A. Yeah. I spoke to him on the phone.</p> <p>13 Q. Okay. And what did he say to you in</p> <p>14 that conversation?</p> <p>15 A. He was very direct. He said, effective</p> <p>16 0700 or 0800 hours tomorrow, and he stated the</p> <p>17 date, which I don't recall --</p> <p>18 Q. Right.</p> <p>19 A. -- you are no longer assigned to the</p> <p>20 FBI. You will report to Beatrice Cuello, Deputy</p> <p>21 Cuello in Unit 543 in uniform.</p> <p>22 Q. Okay.</p> <p>23 A. And I tried to ask him something and he</p> <p>24 just repeated it. I tried to ask him again, he</p>
<p style="text-align: right;">Page 70</p> <p>1 day to call the man, it was moments. You know,</p> <p>2 hang up -- she hangs up on me, you know. I was</p> <p>3 like, what? I dialed Rivera and he didn't pick</p> <p>4 up.</p> <p>5 Q. Okay.</p> <p>6 A. And then certain other events happened</p> <p>7 and that's when I had a conversation with him</p> <p>8 later on.</p> <p>9 Q. Okay. And you were discussing a</p> <p>10 meeting that Chief Rivera told you about. Other</p> <p>11 than what you've already testified to, do you</p> <p>12 recall anything else Chief Rivera told you about</p> <p>13 that meeting?</p> <p>14 A. Yeah.</p> <p>15 Q. What else?</p> <p>16 A. He said that Roti didn't want us back</p> <p>17 in Narcotics, he also said O'Grady spoke about</p> <p>18 us being rats and things to that effect. He</p> <p>19 said B. Cuello said she didn't know what we were</p> <p>20 doing in her unit. And then he said that he had</p> <p>21 briefed Cuello and she was very well aware and</p> <p>22 he doesn't know why Jill Stevens even needed to</p> <p>23 make that phone call.</p> <p>24 Q. Okay. Do you remember Chief Rivera</p>	<p style="text-align: right;">Page 72</p> <p>1 wasn't hearing it.</p> <p>2 Q. Okay. Do you recall what you tried to</p> <p>3 ask?</p> <p>4 A. What happened?</p> <p>5 Q. Yeah.</p> <p>6 A. Why, you know.</p> <p>7 Q. Sure.</p> <p>8 A. Any question that you, me, her, him</p> <p>9 would ask.</p> <p>10 Q. Sure.</p> <p>11 A. You know, you want to know why you're</p> <p>12 getting that phone call.</p> <p>13 Q. Okay. And he didn't tell you why?</p> <p>14 A. He wasn't hearing it. He just repeated</p> <p>15 it.</p> <p>16 Q. Okay.</p> <p>17 A. I'd be in the middle of asking, I'd</p> <p>18 say, but, boss. Effective, and he would repeat</p> <p>19 it.</p> <p>20 Q. Right, right. So he didn't tell you</p> <p>21 why this move was being made, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And when he indicated that you were to</p> <p>24 report to B. Cuello, was it your understanding</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
73-76

<p style="text-align: right;">Page 73</p> <p>1 that you were then going to be reassigned to a 2 district? 3 A. No. 4 Q. Okay. Did you have an understanding of 5 why were reporting to B. Cuello? 6 A. No. 7 Q. Okay. And did you, in fact, report to 8 B. Cuello the following day? 9 A. I never got the chance to. 10 Q. Okay. And what happened after that 11 that led you to not reporting to B. Cuello? 12 A. I was en route to headquarters to Unit 13 543. 14 Q. Yes. 15 A. I got a phone call from the secretary 16 Veronica Castillo. 17 Q. Okay. And what did Ms. Castillo tell 18 you? 19 A. She said, hey, Danny, where are you, 20 are you coming down here. I said, I'm on my way 21 down. She said, well, she wants you, the boss 22 wants you to go to training. 23 Q. Okay. 24 A. A one-day training at the academy. Are</p>	<p style="text-align: right;">Page 75</p> <p>1 A. No. 2 Q. Okay. 3 A. That came later. 4 Q. Okay. Explain that. At some point you 5 became of the understanding that you were 6 detailed to the police academy as part of the 7 process of being sent back to patrol? 8 A. Yeah. 9 Q. How did you come about that knowledge? 10 A. Well, when we got to the academy, at 11 that point I met up with my partner, Shannon 12 Spalding. We were entering the building and 13 there's a duty desk, what they call where if you 14 don't know where you're going -- 15 Q. Sure. 16 A. -- with different trainings and things 17 going on, you stop and you ask there. And we 18 asked for where is this one-day training. And 19 they asked, where are you coming from. 20 Q. Sure. 21 A. And then we were approached by a 22 Lieutenant Pigott. 23 Q. Okay. And did Lieutenant Pigott say 24 anything to you?</p>
<p style="text-align: right;">Page 74</p> <p>1 you in uniform? I said, yes. She goes, yeah, 2 do that. She wants you to do that. 3 Q. Okay. And by she, she was referring to 4 B. Cuello? 5 A. Yes. 6 Q. Okay. Veronica Castillo was a 7 secretary in B. Cuello's office? 8 A. She was one of the secretaries up 9 there. 10 Q. Okay. And do you recall her saying 11 anything else in that conversation? 12 A. That was it. 13 Q. Okay. Do you recall anything you said? 14 A. I said, okay. I acknowledged her. 15 Q. Okay. And it's your recollection that 16 she said a one-day training? 17 A. Yeah. 18 Q. Okay. And so you were then to report 19 to the police academy, correct? 20 A. Yes. 21 Q. Okay. And at that point, did you have 22 any understanding that you were asked to report 23 to the police academy as part of the process of 24 sending you back to patrol?</p>	<p style="text-align: right;">Page 76</p> <p>1 A. He said, you're not here for no one-day 2 training, you're here to be retreaded, you're 3 here to -- you're going back to patrol. He 4 pointed at my partner. He said, are you Officer 5 Spalding? She acknowledged. He said, you're 6 going to 3 midnights and you're going to fucking 7 15 midnights. 8 Q. Okay. 9 A. And at that point, we were -- it was 10 like we were hit by a brick. 11 Q. Okay. 12 A. The man was rude, the man needs some 13 personal -- he needs some social skills, if you 14 ask me, some training. 15 Q. And do you remember him saying anything 16 else other than what you testified to? 17 A. And then I told him, what do you mean? 18 He goes, don't pretend you don't know what this 19 is about, you know exactly what you did. 20 Q. Okay. 21 A. And at that point I got on the phone, 22 attempted to call Chief Rivera. 23 Q. Did you reach Chief Rivera? 24 A. Yeah. I was in the middle of a</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
77-80

<p style="text-align: right;">Page 77</p> <p>1 conversation with him. I don't know if he -- it</p> <p>2 seemed to me like he wasn't aware of what was</p> <p>3 going on.</p> <p>4 Q. Okay.</p> <p>5 A. I told him where we were at. Pigott</p> <p>6 ordered me to get off the phone.</p> <p>7 Q. Okay.</p> <p>8 A. He said, you don't take no breaks here,</p> <p>9 you're not going to be walking out when you</p> <p>10 feel, you're not going to do what you please.</p> <p>11 Q. So you had walked outside of the</p> <p>12 building to use the phone?</p> <p>13 A. I walked into the vestibule and he</p> <p>14 followed me in there.</p> <p>15 Q. Okay.</p> <p>16 A. And then he said, and you don't use</p> <p>17 your phones here like you want to. And I said,</p> <p>18 well, there's somebody here that wants to speak</p> <p>19 to you and I handed the phone to Lieutenant</p> <p>20 Pigott.</p> <p>21 Q. Okay.</p> <p>22 A. And then they had a conversation, which</p> <p>23 I don't know what was said between the two.</p> <p>24 Q. Okay. And after Chief Rivera spoke</p>	<p style="text-align: right;">Page 79</p> <p>1 A. Because we were still active in the</p> <p>2 field.</p> <p>3 Q. But he indicated that you were being</p> <p>4 retreaded and then you and your partner were</p> <p>5 going to be sent back to districts, correct?</p> <p>6 A. Yes. I mean, he was firm about that.</p> <p>7 Q. Okay. And, in fact, you and your</p> <p>8 partner never were sent back to patrol, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And do you have any knowledge of what</p> <p>11 happened or who intervened to cause that not to</p> <p>12 happen?</p> <p>13 A. I want to say at that time, the academy</p> <p>14 fell under Chief Skahill.</p> <p>15 Q. Okay.</p> <p>16 A. And I believe she intervened.</p> <p>17 Q. Okay. Did Chief Skahill or anyone else</p> <p>18 tell you that or that's your assumption?</p> <p>19 A. I want to say she may have said</p> <p>20 something to us. I can't give you the exact</p> <p>21 detail of the conversation.</p> <p>22 Q. Okay.</p> <p>23 A. You know, it was a very difficult time.</p> <p>24 Q. Okay.</p>
<p style="text-align: right;">Page 78</p> <p>1 with Lieutenant Pigott, did you take the phone</p> <p>2 back and speak again with Chief Rivera?</p> <p>3 A. Yes. And he said, let me look into</p> <p>4 what's going on.</p> <p>5 Q. Okay.</p> <p>6 A. I don't know what exactly has been</p> <p>7 done, but, you know, I expect to hear from you</p> <p>8 later in the day or something along that effect,</p> <p>9 or meet me later in the day or something to that</p> <p>10 effect.</p> <p>11 Q. Okay. And obviously based on what</p> <p>12 Lieutenant Pigott said, you then understood you</p> <p>13 were at the academy to be retrained as part of a</p> <p>14 process to be sent back to patrol, at least at</p> <p>15 that time, correct?</p> <p>16 A. That process was unheard of to me.</p> <p>17 I'm unfamiliar with that -- people who get</p> <p>18 retread is usually when people were like away</p> <p>19 from the job, military, extended medical or</p> <p>20 something.</p> <p>21 Q. Okay.</p> <p>22 A. But not in our situation or under our</p> <p>23 circumstances.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 80</p> <p>1 A. And a lot of stress and, I mean like I</p> <p>2 said, it was a sudden interruption of --</p> <p>3 Q. Okay.</p> <p>4 A. It was just a situation that shouldn't</p> <p>5 have happened.</p> <p>6 Q. Okay. And you don't know, do you,</p> <p>7 whether Deb Kirby had any role in preventing you</p> <p>8 guys from being sent back to patrol, do you?</p> <p>9 A. Other than the fact that she told</p> <p>10 Rivera and Rivera told us that she denied</p> <p>11 knowing us and that she wasn't going to</p> <p>12 backpedal at that point, we were just going to</p> <p>13 have to be the fall guys or the hit, take the</p> <p>14 hit on it, comments to that effect.</p> <p>15 Q. Other than that testimony, you don't</p> <p>16 know, do you, whether Deb Kirby was involved in</p> <p>17 stopping you guys from being sent back to</p> <p>18 patrol?</p> <p>19 A. Other than that, I can't tell you.</p> <p>20 Q. Okay. And you also don't know whether</p> <p>21 Chief Rivera was involved in stopping you guys</p> <p>22 from being sent back to patrol, meaning you and</p> <p>23 Officer Spalding?</p> <p>24 A. Stopping us from going back? We</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
81-84

<p style="text-align: right;">Page 81</p> <p>1 eventually went to work under him.</p> <p>2 Q. Okay.</p> <p>3 A. We went to Skahill and then again the</p> <p>4 shifting in command again.</p> <p>5 Q. Okay.</p> <p>6 A. And then eventually the Unit 126, which</p> <p>7 was the Audit Inspection Division fell under</p> <p>8 Rivera.</p> <p>9 Q. Okay. And I asked some bad questions.</p> <p>10 Let me ask it this way.</p> <p>11 A. All right.</p> <p>12 Q. At a certain point in time after you</p> <p>13 talked to Pigott, you were under the impression,</p> <p>14 you and Officer Spalding, that you were going to</p> <p>15 be sent back to patrol in a district, that never</p> <p>16 happened. Instead, you were then detailed to</p> <p>17 Unit 126 Inspections, correct?</p> <p>18 A. Inspections slash Audit, correct.</p> <p>19 Q. Okay. Do you have any knowledge as to</p> <p>20 who was responsible for the decision to send you</p> <p>21 to Inspections instead of back to patrol?</p> <p>22 A. I would say -- if I had to say it, I</p> <p>23 would say it was Tina Skahill because</p> <p>24 Inspections fell under her.</p>	<p style="text-align: right;">Page 83</p> <p>1 to Paragraph 50 on the Amended Complaint. It</p> <p>2 indicates that because Plaintiffs had been</p> <p>3 labeled rats, they lost their specialized</p> <p>4 assignments, weekends and holidays off,</p> <p>5 take-home vehicle and the ability to work</p> <p>6 unlimited overtime.</p> <p>7 What do you mean by -- what's the basis</p> <p>8 for the allegation in Paragraph 50?</p> <p>9 A. Well, we're still assigned to -- even</p> <p>10 to this day, we're still assigned to Narcotics.</p> <p>11 But I believe we're not welcome there still to</p> <p>12 this day.</p> <p>13 So that would not make it a -- an elite</p> <p>14 unit, Narcotics was considered an elite unit.</p> <p>15 They had take-home cars there. You had</p> <p>16 weekdays, weekends off.</p> <p>17 Q. Okay.</p> <p>18 A. Or you also had different days off.</p> <p>19 Some people had weekends, some people had</p> <p>20 Friday, Saturday, Sunday, Monday, whatever,</p> <p>21 holidays off. Like I said take-home vehicles.</p> <p>22 Q. Okay.</p> <p>23 A. Search warrants enabled you to get</p> <p>24 overtime.</p>
<p style="text-align: right;">Page 82</p> <p>1 Q. Okay.</p> <p>2 A. So it would have to be her.</p> <p>3 Q. Okay. But you don't know as you sit</p> <p>4 here whether --</p> <p>5 A. Yeah, I would say yes. Because there</p> <p>6 was a conversation I had with Tina Skahill later</p> <p>7 on after we were in Inspections.</p> <p>8 Q. Yes.</p> <p>9 A. And she said, we don't do that to our</p> <p>10 people. Not after what you and your partner did</p> <p>11 coming forward, we don't do that to our people.</p> <p>12 We don't throw our people back there like that.</p> <p>13 It's a safety concern for you guys.</p> <p>14 Q. Okay.</p> <p>15 A. So I would say Tina Skahill.</p> <p>16 Q. Okay. And you don't have any personal</p> <p>17 knowledge of whether Deb Kirby agreed with Tina</p> <p>18 Skahill to transfer you to 126?</p> <p>19 A. No.</p> <p>20 Q. Okay. And do you have any personal</p> <p>21 knowledge of whether Juan Rivera agreed with</p> <p>22 Tina Skahill that you should go to 126?</p> <p>23 A. No.</p> <p>24 Q. Okay. If I could direct your attention</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Okay.</p> <p>2 A. Depending on the search warrant itself.</p> <p>3 Q. But you weren't allowed to work</p> <p>4 unlimited overtime?</p> <p>5 A. No, no.</p> <p>6 Q. Okay.</p> <p>7 A. So that's what I mean by that.</p> <p>8 Q. Okay. So Paragraph 50 you're talking</p> <p>9 about the difference of being in Narcotics and</p> <p>10 not being in Narcotics?</p> <p>11 A. I'm talking about in being Narcotics</p> <p>12 and not allowed to be doing that, having the</p> <p>13 benefit of that.</p> <p>14 Q. Okay.</p> <p>15 A. Because I'm still in Narcotics</p> <p>16 assigned.</p> <p>17 Q. Okay. How long were you told to report</p> <p>18 I guess to the police academy, do you recall?</p> <p>19 A. It wasn't a day, I'll tell you that.</p> <p>20 Q. Okay.</p> <p>21 A. I couldn't tell you. It was an</p> <p>22 extended time. To kind of give you a time</p> <p>23 frame, we were even there when the Mayor's</p> <p>24 detail -- when the Mayor switched over and Rahm</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
85-88

<p style="text-align: right;">Page 85</p> <p>1 Emanuel became Mayer. He brought in, I guess, 2 his personnel or selected personnel to be part 3 of his detail and the officers that were there 4 for Daley, they got also -- 5 Q. Okay. 6 A. So that kind of gives you a time frame 7 of when those chain of events or how long we 8 stayed there. Because we stayed there after 9 that, too. 10 Q. Okay. So you were at the police 11 academy, Chief Rivera had told you essentially 12 let me work on this, and then you learned that 13 you're going to be detailed to Inspections, 14 correct? 15 A. Correct. 16 Q. Okay. And my understanding, you were 17 at the police academy maybe a couple of weeks. 18 Does that sound -- 19 A. It seemed longer than that. 20 Q. Yeah. 21 A. But I couldn't tell you. 22 Q. You don't know for sure? 23 A. It felt like an elephant pregnancy, if 24 you ask me. We were there for years.</p>	<p style="text-align: right;">Page 87</p> <p>1 you want. 2 Q. Okay. And -- 3 A. It was humiliating, if you ask me. 4 Q. Okay. And were you asked at some point 5 to also teach some sort of training at the 6 police academy? 7 A. At one time we went there. We were 8 there at the academy, then we were with Tina 9 Skahill. Then we thought we were going back to 10 training at the academy and I guess it wasn't 11 training, but it was some in-car camera 12 assistance or something like that. 13 Q. Okay. 14 A. And it was -- 15 Q. Were you asked to take some training or 16 conduct some training on the in-car cameras? 17 A. I was under the impression that it was 18 to take in-car camera training. 19 Q. Okay. 20 A. And it wasn't, I guess. 21 Q. Okay. 22 A. Once we got there, it was something 23 different. 24 Q. What was it once you got there?</p>
<p style="text-align: right;">Page 86</p> <p>1 Q. That's fine. 2 A. I apologize. 3 Q. No. That's -- 4 A. It's just sometimes you've got to look 5 at things with -- I mean, it's helped me move -- 6 Q. It's your case. 7 A. It helps me move forward with this. I 8 don't feel I should be sitting here to begin 9 with with all this nonsense, just because I did 10 the right thing with my partner. 11 Q. Okay. During the days that you were I 12 guess detailed to the police academy, do you 13 recall what you and Officer Spalding did or were 14 asked to do? 15 A. We often sat there doing nothing. We 16 sat there with recruits, we sat there with -- 17 sometimes the same class repetitively, sometimes 18 people wouldn't even show up, instructors and 19 we'd just sit there. 20 Q. So you sat through some training 21 classes, correct? 22 A. Very few. 23 Q. Okay. 24 A. What they would -- sure. Say that, if</p>	<p style="text-align: right;">Page 88</p> <p>1 A. Once I got there, I guess it was to 2 help instruct in-car training. 3 Q. Okay. 4 A. But I thought it was -- 5 Q. Okay. Did you have any knowledge of 6 whose decision it was to ask you to help 7 instruct in-car training? 8 A. Off the top of my head, I -- since the 9 academy fell under Tina Skahill -- 10 Q. Yes. 11 A. -- I would say it would be safe to say 12 Tina Skahill. 13 Q. Okay. 14 A. I mean, if this -- does that answer? 15 Q. Sure. 16 A. Okay. 17 Q. Do you recall at some point earlier 18 when you were reporting to the FBI and after the 19 August, 2008 meeting so -- 20 A. Okay. 21 Q. -- people in the City, some people are 22 aware that you're working with Brass Tax, you're 23 reporting to the FBI. Do you remember at some 24 point being told by the FBI that they no longer</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
89-92

<p style="text-align: right;">Page 89</p> <p>1 wanted you and Officer Spalding reporting 2 there? 3 A. You know, there was a time where the 4 investigation did go idle but Watts had suffered 5 some injury or something, so the investigation 6 went idle. And then there was some stuff with 7 the agent where at that time that went idle, as 8 well, and then we started reporting directly for 9 Chief Rivera. 10 Q. Okay. Do you remember a situation 11 where you and your partner had been accused of 12 either stealing or losing -- 13 A. I think I'd be locked up if I was 14 accused of stealing a federal something, 15 anything. I don't think I'd be sitting here. 16 Q. Do you recall a point in time where you 17 or your partner had been accused of either 18 stealing or losing some piece of equipment and 19 as a result you were told, don't report any more 20 to the FBI? 21 A. I remember an incident with the agent 22 where he asked for a recording device -- 23 Q. Yes. 24 A. -- to be returned. The recording</p>	<p style="text-align: right;">Page 91</p> <p>1 them. 2 Q. Okay. 3 A. So I wouldn't -- I don't know how you 4 want to take it. 5 Q. Sometime later you were recontacted? 6 A. Yeah. If you want to take it as no or 7 idle or however you want to interpret it. My 8 interpretation is they contacted us again, so I 9 would say no. 10 Q. When they contacted you again to -- did 11 they ask you to start reporting directly to the 12 FBI building again? 13 A. Yes. We would report -- we would go 14 through -- at that point we were in 126. 15 Q. Yes. 16 A. And from my understanding, we were 17 supposed to be on the sheets for 126 -- 18 Q. Yes. 19 A. -- to do Brass Tax. Almost like the 20 543 situation but through 126. And then report 21 to them as the investigation started to move 22 forward again. 23 Q. Sure, okay. And when they, as you say, 24 kind of called you back to the investigation,</p>
<p style="text-align: right;">Page 90</p> <p>1 device was in the vehicle and he had surplused 2 the vehicle. So at that point the vehicle was 3 being swapped out or had been swapped out 4 already and he was disturbed because of that, 5 and maybe that led to his anger. 6 Q. Okay. 7 A. But I guess the equipment he borrowed 8 and didn't necessarily assign it out, was my 9 understanding, and that's why the guy was kind 10 of hot. 11 Q. Okay. So you do recall Agent Patrick 12 Smith getting angry about this device issue and 13 he told you all that he didn't want you 14 reporting to the FBI any more, correct? 15 A. He said -- I don't know exact words. I 16 mean, it was kind of like an awkward moment. 17 But at that point we did go straight to Chief 18 Rivera and started reporting to him and 19 continued the investigation through him. 20 Q. And you understand that the FBI did not 21 want you reporting directly to them any more, 22 correct? 23 A. Sure, I guess you can say that if you 24 want. It went idle. But we were recontacted by</p>	<p style="text-align: right;">Page 92</p> <p>1 had the investigator changed? It was no longer 2 Patrick Smith? 3 A. Yes. 4 Q. Okay. 5 A. Do you want to know the agent's name? 6 Q. Sure. 7 A. It's Craig Henderson. 8 Q. Thanks. 9 A. That was the final agent that -- 10 Q. Okay. 11 A. I think there was another one, but -- 12 it changed two or three times, but this was the 13 last guy. 14 Q. Okay. 15 A. And at that point we were also 16 reporting to -- it wasn't to Tom Chester 17 anymore. Al Bohmer, Sergeant Al Bohmer. 18 Q. Okay. At the time of the August, 2008 19 meeting with Chief Skahill and others that you 20 testified to, do you recall who your sergeant in 21 Narcotics was at that point? 22 A. Say that again? 23 Q. At the time of the August, 2008 meeting 24 with Chief Skahill and the others --</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
93-96

<p style="text-align: right;">Page 93</p> <p>1 A. The initial meeting?</p> <p>2 Q. Yes, that you testified to earlier.</p> <p>3 A. Tom Chester. Oh, Narcotics?</p> <p>4 Q. Yes. Who was your sergeant in</p> <p>5 Narcotics at that point in time?</p> <p>6 A. Roderick Watson.</p> <p>7 Q. Okay. And do you recall who the</p> <p>8 lieutenant was above him?</p> <p>9 A. It may have still been Cervanka.</p> <p>10 Q. Okay. And, again, prior to that</p> <p>11 meeting, the August, 2008 meeting, do you have</p> <p>12 any knowledge of whether or not Lieutenant</p> <p>13 Cervanka knew that you were spending some of</p> <p>14 your time working on this Watts investigation</p> <p>15 with the FBI?</p> <p>16 A. Yeah, because it was my personal time.</p> <p>17 Q. I understand. Even assuming it was</p> <p>18 your personal time, do you have any knowledge of</p> <p>19 Lieutenant Cervanka being aware of that?</p> <p>20 A. No.</p> <p>21 Q. Okay. So you then get -- you and</p> <p>22 Officer Spalding get reassigned to Inspections</p> <p>23 Unit 126. Our records indicate that that was</p> <p>24 effective May 22, 2011. Any reason to believe</p>	<p style="text-align: right;">Page 95</p> <p>1 time there that you were under Lieutenant</p> <p>2 Pascua?</p> <p>3 A. Too long.</p> <p>4 Q. Okay. Any recollection of how long?</p> <p>5 A. Since day one, I don't -- the first day</p> <p>6 there, we reported to her.</p> <p>7 Q. Right. Do you remember when it changed</p> <p>8 that you started reporting to Lieutenant</p> <p>9 Sadowski?</p> <p>10 A. It changed after we voiced our opinion</p> <p>11 about Lieutenant Pascua.</p> <p>12 Q. Okay.</p> <p>13 A. But I can't tell you if it was a month</p> <p>14 or two months.</p> <p>15 Q. That's fine. Paragraph 57 says,</p> <p>16 Defendant Lieutenant Pascua called Plaintiffs</p> <p>17 rat motherfuckers and told them that she did not</p> <p>18 want them in the unit.</p> <p>19 What's the basis for that allegation?</p> <p>20 A. It came out of her mouth.</p> <p>21 Q. Okay. You heard that come out of her</p> <p>22 mouth?</p> <p>23 A. Yeah.</p> <p>24 Q. Okay. And approximately how soon after</p>
<p style="text-align: right;">Page 94</p> <p>1 that is not correct?</p> <p>2 A. I mean, unless I see a document to say</p> <p>3 that's the exact date --</p> <p>4 Q. Sure.</p> <p>5 A. -- I can't tell you what date it was.</p> <p>6 I mean, it wasn't in the winter. I can tell you</p> <p>7 it was somewhat warm or spring-like or</p> <p>8 something.</p> <p>9 Q. Okay. As far as you know, May, 2011?</p> <p>10 A. Sure, if you want to say that.</p> <p>11 Q. Okay. And then directing your</p> <p>12 attention to Paragraph 56 of the Complaint. In</p> <p>13 the following paragraphs it indicates that</p> <p>14 throughout the time that you were detailed to</p> <p>15 126, that you were subjected to some harassment</p> <p>16 and hostility by Lieutenant Pascua, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Now, am I correct that part of</p> <p>19 the time that you were in Inspections, you were</p> <p>20 under or reporting to Lieutenant Pascua and at a</p> <p>21 certain point that changed to Lieutenant</p> <p>22 Sadowski, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Do you recall how long your</p>	<p style="text-align: right;">Page 96</p> <p>1 you started at Inspections did that happen?</p> <p>2 A. Immediately. You know, I don't want to</p> <p>3 say it happened the next day.</p> <p>4 Q. Sure.</p> <p>5 A. But as time went on, she started</p> <p>6 voicing some of her opinions.</p> <p>7 Q. And where were you when you heard her</p> <p>8 out of her mouth say --</p> <p>9 A. In the office.</p> <p>10 Q. Okay. Do you recall who else was</p> <p>11 present?</p> <p>12 A. At times she would say it in front of</p> <p>13 other personnel up there, other lieutenants, her</p> <p>14 sergeant.</p> <p>15 Q. You said you heard it yourself?</p> <p>16 A. Yes, I did.</p> <p>17 Q. Okay. Do you recall on the occasion</p> <p>18 when you heard it yourself, who, if anyone, else</p> <p>19 was present?</p> <p>20 A. Her sergeant.</p> <p>21 Q. And who was that?</p> <p>22 A. Janice Barney.</p> <p>23 Q. Okay. Was anyone else present?</p> <p>24 A. I mean, it's an office, there's people</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
97-100

<p style="text-align: right;">Page 97</p> <p>1 present. On the other side of the cubical, in 2 front of the cubical, in front of me. I mean, 3 everything is within earshot. So if they want 4 to say they heard it, I'm sure they did; if they 5 want to deny they heard it, they're going to 6 deny it. But I know it came out of her mouth. 7 Q. Okay. And was Officer Spalding also 8 present? 9 A. Sure. 10 Q. Okay. 11 A. She was a present during a lot of her 12 comments. Some of her comments were made 13 directly to her, some of the comments were made 14 directly to me. 15 Q. Okay. 16 A. A lot of her comments were made to both 17 of us. 18 Q. Okay. We're going to talk about all of 19 them. 20 A. Okay, good. 21 Q. So -- 22 A. She would spread the word, too. 23 Q. Okay. So Paragraph 57 you've just been 24 testifying about hearing her from her mouth</p>	<p style="text-align: right;">Page 99</p> <p>1 about it? 2 A. I looked at her and she looked at me 3 like she was surprised I caught her and she 4 turned around and walked away. 5 Q. Okay. 6 A. I mean, I worked surveillance in 7 Narcotics, so I would know if somebody is 8 following me. And I know that she was following 9 me and I double backed her and I caught her 10 following me. 11 Q. During this period of time that you're 12 talking about, you were both -- you and Officer 13 Spalding were both doing work in the Inspections 14 unit and also spending some of your time on the 15 Watts investigation, correct? 16 A. Correct. 17 Q. Okay. And what kind of 18 responsibilities did you have in the Inspection 19 unit? 20 A. Nothing. 21 Q. Okay. 22 A. I think we got a whole three 23 assignments or four assignments the whole time 24 we were there.</p>
<p style="text-align: right;">Page 98</p> <p>1 refer to you I guess and Officer Spalding as rat 2 motherfuckers. Other than that occasion, did 3 you ever hear her refer to you as rat 4 motherfuckers? 5 A. That occasion. I mean, there were many 6 occasions she would have out loud within 7 earshot. She would make comments that she's a 8 lawyer, she knows how to put a case together. 9 She would say, rat motherfuckers from 10 Narcotics -- 11 Q. Okay. 12 A. -- we don't need them up here. We 13 don't need nobody watching us. I mean, many 14 comments. 15 Q. Okay. 16 A. Many incidents. 17 Q. Okay. 18 A. She even followed us in the parking 19 lot -- or followed me in the parking lot. 20 Q. Okay. 21 A. I mean, I don't know why she was doing 22 it, but I double backed her and I caught her 23 following me. 24 Q. Okay. Did you say anything to her</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Okay. And do you recall what those 2 assignments consisted of? 3 A. Some light data entry. 4 Q. Okay. 5 A. I mean, light. 6 Q. Okay. 7 A. There was a time I think they were 8 auditing some equipment when -- I don't know if 9 it was the TRU Unit or something got dismantled 10 or something along those lines. 11 Q. Okay. 12 A. Some fire drills. 13 Q. Okay. 14 A. And then a lot of times chauff -- for 15 being her chauffeur or for her personal 16 business. 17 Q. Okay. Now, on days that you either 18 came into the office in Inspections but then 19 went out to work on Operation Brass Tax or you 20 just went directly out to work on Operation 21 Brass Tax, were you supposed to inform 22 Lieutenant Pascua, we won't be in today, we're 23 doing something else? 24 A. We would do so.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
101-104

<p style="text-align: right;">Page 101</p> <p>1 Q. You were supposed to and your testimony</p> <p>2 is you would do so?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 A. Whether it was her or Sadowski.</p> <p>6 Q. Okay.</p> <p>7 A. When the change in lieutenants came,</p> <p>8 there was times he would -- she was informed,</p> <p>9 Pascua, and there was times where the lieutenant</p> <p>10 was informed.</p> <p>11 Q. Let's just talk about the period with</p> <p>12 Lieutenant Pascua.</p> <p>13 A. Okay.</p> <p>14 Q. Is it your testimony that you always</p> <p>15 did that without fail?</p> <p>16 A. Without fail.</p> <p>17 Q. Without fail, okay.</p> <p>18 And what would you tell Lieutenant</p> <p>19 Pascua or Lieutenant Sadowski you were doing</p> <p>20 when you weren't coming in?</p> <p>21 A. At that point, they knew we were doing</p> <p>22 something with the FBI, so we would say we're</p> <p>23 going to report to Sergeant Bohmer --</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 103</p> <p>1 building.</p> <p>2 Q. Okay.</p> <p>3 A. I mean, we have to give her specifics.</p> <p>4 Q. Sure.</p> <p>5 A. I mean, we wouldn't tell her what it</p> <p>6 involved, who it involved or --</p> <p>7 Q. Sure.</p> <p>8 A. But we told her where we would be and</p> <p>9 who we were reporting to.</p> <p>10 Q. Okay.</p> <p>11 A. And I'm sure Sergeant Bohmer had</p> <p>12 conversations with that unit, as well.</p> <p>13 Q. Okay.</p> <p>14 A. And maybe even Tom Chester.</p> <p>15 Q. Okay.</p> <p>16 A. Do you want to know what my first day</p> <p>17 was like there?</p> <p>18 Q. Your first day in --</p> <p>19 A. In Inspections?</p> <p>20 Q. -- the Inspections?</p> <p>21 A. Yeah.</p> <p>22 Q. No, I don't want to know what your</p> <p>23 first day was like there.</p> <p>24 A. Okay.</p>
<p style="text-align: right;">Page 102</p> <p>1 A. -- and we would go to 2111 Roosevelt.</p> <p>2 Q. And what's your understanding of how</p> <p>3 Lieutenant Pascua learned that you were doing</p> <p>4 something with the FBI at that time?</p> <p>5 A. Well, when we started doing Brass Tax,</p> <p>6 then she -- she would -- she knew. But I think</p> <p>7 she knew prior to that what we were doing. Who</p> <p>8 made her aware of it, I can't tell you.</p> <p>9 Q. When you were --</p> <p>10 A. Because I don't know.</p> <p>11 Q. Okay. When you were transferred over</p> <p>12 to the Inspection Division or any time after</p> <p>13 that, did you or Officer Spalding tell</p> <p>14 Lieutenant Pascua that you were working on</p> <p>15 Operation Brass Tax?</p> <p>16 A. No.</p> <p>17 Q. Did you or Officer Spalding tell</p> <p>18 Lieutenant Pascua that you were working on a</p> <p>19 confidential investigation with the FBI?</p> <p>20 A. Not until Brass Tax, we needed to go</p> <p>21 to, then we would say, we're going to report to</p> <p>22 Al Bohmer.</p> <p>23 Q. Okay.</p> <p>24 A. We're going to report to the FBI</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. But I'm sure you'll find a way to tell</p> <p>2 me.</p> <p>3 A. Do you want to know? I mean --</p> <p>4 Q. No. Let me ask you this.</p> <p>5 A. Okay.</p> <p>6 Q. You testified about one incident where</p> <p>7 you personally heard in earshot Lieutenant</p> <p>8 Pascua referring to you as rat motherfuckers.</p> <p>9 With respect to similar comments, rats, et</p> <p>10 cetera --</p> <p>11 A. Yes.</p> <p>12 Q. -- did you personally hear Lieutenant</p> <p>13 Pascua saying that on any other occasion?</p> <p>14 A. Yeah, many occasions.</p> <p>15 Q. On many occasions?</p> <p>16 A. Yeah.</p> <p>17 Q. Okay.</p> <p>18 A. She would say that as she would walk by</p> <p>19 my cubical.</p> <p>20 Q. Okay.</p> <p>21 A. I mean, we were the only two up there</p> <p>22 from Narcotics, so why say it.</p> <p>23 Q. Okay.</p> <p>24 A. Unless she had Tourette's or something.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
105-108

<p style="text-align: right;">Page 105</p> <p>1 Q. Okay.</p> <p>2 A. That woman was something.</p> <p>3 Q. And you said it didn't happen right</p> <p>4 away?</p> <p>5 A. No.</p> <p>6 Q. About how long do you think you were</p> <p>7 there before her first --</p> <p>8 A. Outburst.</p> <p>9 Q. -- outburst, as you refer to it?</p> <p>10 Referencing you being rats or doing work with</p> <p>11 the FBI.</p> <p>12 A. It didn't take much time.</p> <p>13 Q. Okay.</p> <p>14 A. A couple weeks, a best guess. I'm</p> <p>15 guessing. I mean, I can't tell you a definite,</p> <p>16 oh, ten days and then it kicked in.</p> <p>17 Q. Sure, that's fine.</p> <p>18 A. I mean, it was -- and it also became</p> <p>19 progressive. It wasn't like subtle, it was --</p> <p>20 it progressed.</p> <p>21 Q. Okay. Do you have any personal</p> <p>22 knowledge of James O'Grady telling anyone in</p> <p>23 Inspections that you and Officer Spalding had</p> <p>24 worked on Operation Brass Tax?</p>	<p style="text-align: right;">Page 107</p> <p>1 A. Yeah, she would say it.</p> <p>2 Q. Okay.</p> <p>3 A. She would say, we know how some white</p> <p>4 females get into elite units like Narcotics, you</p> <p>5 know, they sleep their way in there or they're</p> <p>6 blond and blue eyes or things to that effect.</p> <p>7 And I think I responded to her, then maybe she</p> <p>8 should buy a wig.</p> <p>9 Q. Right, okay. And my question --</p> <p>10 A. Because I was getting to a point where</p> <p>11 I was really fed up with their direct or</p> <p>12 indirect comments and their innuendos and</p> <p>13 everything else. We even met with Adrienne</p> <p>14 Stanley, who was the commander at that time.</p> <p>15 Q. Okay. You just told me about a</p> <p>16 conversation where Jan Barney made a reference</p> <p>17 to white females getting into Narcotics. My</p> <p>18 question is did you personally hear Jan Barney</p> <p>19 refer to you and Officer Spalding as rats?</p> <p>20 A. Yeah.</p> <p>21 Q. Or rat motherfuckers?</p> <p>22 A. She would make comments just as much as</p> <p>23 Lieutenant Pascua. They would all have</p> <p>24 outbursts up there.</p>
<p style="text-align: right;">Page 106</p> <p>1 A. I can't say that.</p> <p>2 Q. Okay. So other than -- well, strike</p> <p>3 that.</p> <p>4 So it's your testimony then on many</p> <p>5 occasions Lieutenant Pascua would make reference</p> <p>6 to you and Officer Spalding as rats or similar</p> <p>7 comments?</p> <p>8 A. Yes. She wasn't the only one, but she</p> <p>9 was primarily the one.</p> <p>10 Q. Okay. Was there anyone else in the</p> <p>11 Inspections Division that made such comments?</p> <p>12 A. Yeah, Jan Barney.</p> <p>13 Q. And Jan Barney.</p> <p>14 A. That was her --</p> <p>15 Q. How many times do you recall Jan Barney</p> <p>16 making such comments?</p> <p>17 A. As many times as -- I mean, it was,</p> <p>18 like as I said, it's many. I mean, not one, not</p> <p>19 two, many.</p> <p>20 Q. Okay. So you heard Jan Barney many</p> <p>21 times --</p> <p>22 A. Yes.</p> <p>23 Q. -- refer to you and Officer Spalding as</p> <p>24 rats?</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. Okay.</p> <p>2 A. They made it no secret that they knew</p> <p>3 what we were doing or have done or are still</p> <p>4 doing. I mean, they never said, I know you're</p> <p>5 doing Brass Tax, I know you're working on Watts.</p> <p>6 They never made that comment.</p> <p>7 Q. Okay.</p> <p>8 A. It would be unfair of me to say so.</p> <p>9 Q. Okay.</p> <p>10 A. But they knew we were doing IAD.</p> <p>11 Q. Okay. And other than Lieutenant Pascua</p> <p>12 and Jan Barney, did you ever hear anyone else in</p> <p>13 the Inspections unit refer to you as rats or rat</p> <p>14 motherfuckers or similar comments?</p> <p>15 A. Prime, the main person there making</p> <p>16 those comments was Lieutenant Pascua.</p> <p>17 Q. Okay. No one other than Pascua and</p> <p>18 Barney, correct?</p> <p>19 A. Barney was like her right hand. So if</p> <p>20 Pascua said jump, she'd say, how high.</p> <p>21 Q. No one other than Pascua and Barney,</p> <p>22 correct?</p> <p>23 A. Correct, we can say that.</p> <p>24 Q. Okay. And then at a certain point</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
109-112

<p style="text-align: right;">Page 109</p> <p>1 you --</p> <p>2 A. No, let's backtrack. There was an</p> <p>3 officer there, George Flores.</p> <p>4 Q. Okay.</p> <p>5 A. Who also went around the unit. Not 126</p> <p>6 as much, but it was like -- I don't know if it</p> <p>7 was another -- it was a different area on the</p> <p>8 same floor, I don't know within like 50, 60 feet</p> <p>9 from where we would sit. It was also</p> <p>10 partitioned off. It was -- I don't know if it</p> <p>11 was the CAPS unit or Domestic Violence unit</p> <p>12 where George Flores sat.</p> <p>13 And he would go around speaking to</p> <p>14 other employees up there, whether they were</p> <p>15 civilian or sworn, saying that, you know, we're</p> <p>16 there to watch them and we're there -- we're</p> <p>17 from IAD and we're there to build a case on</p> <p>18 people there.</p> <p>19 Q. Okay. Did you personally hear George</p> <p>20 Flores saying these things or someone told you?</p> <p>21 A. Somebody told us.</p> <p>22 Q. Okay. Do you recall who told you</p> <p>23 George Flores said such things?</p> <p>24 A. I want to say her name was Robinson,</p>	<p style="text-align: right;">Page 111</p> <p>1 this personally?</p> <p>2 A. Yeah. She told my partner and myself.</p> <p>3 Q. Okay.</p> <p>4 A. Or I was present during it.</p> <p>5 Q. Okay. And in Paragraph 60 of the</p> <p>6 Complaint, there's an allegation that Lieutenant</p> <p>7 Pascua said, fuck them from Narcotics, I'm a</p> <p>8 lawyer, I know how to put a case together, I'm</p> <p>9 going to work on getting them fucking launched.</p> <p>10 A. Yes.</p> <p>11 Q. Did you personally hear that, her</p> <p>12 stating that?</p> <p>13 A. Yeah. It came out of her mouth.</p> <p>14 Q. All right. And that particular</p> <p>15 reference to being a lawyer and putting a case</p> <p>16 on you --</p> <p>17 A. That's what I testified before.</p> <p>18 Q. Okay.</p> <p>19 A. Yes.</p> <p>20 Q. And that only occurred once, correct?</p> <p>21 A. That sentence, yeah. That statement.</p> <p>22 Q. Okay.</p> <p>23 A. But, I mean, she'd make comments</p> <p>24 constantly.</p>
<p style="text-align: right;">Page 110</p> <p>1 the last name.</p> <p>2 Q. Okay.</p> <p>3 A. I can't think of her first name right</p> <p>4 now. Aileen, Aileen, something like that.</p> <p>5 Q. Do you know what her position was?</p> <p>6 A. I think she was a civilian up there.</p> <p>7 Q. Okay.</p> <p>8 A. And I think she said something to the</p> <p>9 effect of Flores was -- that she thought we</p> <p>10 should know what Flores is saying and Flores can</p> <p>11 say that with certainty because it came from</p> <p>12 Lieutenant Pascua because they were very close</p> <p>13 together.</p> <p>14 Q. Okay. And Ms. Robinson worked in the</p> <p>15 Inspections Division?</p> <p>16 A. I want to say it was a different area</p> <p>17 of the office.</p> <p>18 Q. But on the same floor?</p> <p>19 A. But on the same floor. Like I said,</p> <p>20 within 60 feet or so.</p> <p>21 Q. Okay.</p> <p>22 A. I want to say it was a Domestic</p> <p>23 Violence or CAPS type of setting there.</p> <p>24 Q. Okay. And did Ms. Robinson tell you</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Okay. And then the next paragraph</p> <p>2 says, on September 13, 2011, you met with</p> <p>3 Commander Stanley?</p> <p>4 A. What paragraph?</p> <p>5 Q. 61. I'm sorry.</p> <p>6 A. Okay.</p> <p>7 Q. And I'm just going to ask you about</p> <p>8 that meeting --</p> <p>9 A. Okay.</p> <p>10 Q. -- with Commander Stanley. Was that</p> <p>11 you and Officer Spalding and Commander Stanley</p> <p>12 present?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. What do you recall being said by</p> <p>15 any of the participants in that meeting?</p> <p>16 A. Well, I know I addressed my concerns</p> <p>17 about Pascua's unprofessional conduct, I know my</p> <p>18 partner, Shannon Spalding, addressed the same</p> <p>19 comments, the comments that we testified</p> <p>20 before -- I testified before.</p> <p>21 Q. I'm going to need you to tell me as</p> <p>22 best as you can recall, specifically what you or</p> <p>23 Officer Spalding said to Commander Stanley.</p> <p>24 A. I told her, it's very hostile up there,</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014

113-116

<p style="text-align: right;">Page 113</p> <p>1 we feel unwanted, the comments and I quoted the</p> <p>2 comments.</p> <p>3 Q. Which comments do you recall quoting to</p> <p>4 her?</p> <p>5 A. Fuck them from Narcotics, I'm a case --</p> <p>6 I'm a manager -- I'm a lawyer, I know how to put</p> <p>7 a case. We expressed that she stated that she</p> <p>8 wants to get us -- she's working on getting us</p> <p>9 launched, she called us rat motherfuckers. Just</p> <p>10 total, you know, unprofessional stuff that you</p> <p>11 wouldn't expect from --</p> <p>12 Q. Sure. And what do you recall Commander</p> <p>13 Stanley saying?</p> <p>14 A. She said that she don't want to hear</p> <p>15 it. In fact, she would interrupt me and my</p> <p>16 partner when we were in the middle of doing a</p> <p>17 statement to her. And she would repeat, I don't</p> <p>18 want to hear it. We told her, we want a</p> <p>19 complaint from this. And she said, you're not</p> <p>20 going to get it here.</p> <p>21 Q. Okay.</p> <p>22 A. She said, if you want a complaint, a</p> <p>23 CR, if that's what you're asking for, and she</p> <p>24 pointed like to the area where IAD would be at,</p>	<p style="text-align: right;">Page 115</p> <p>1 Q. She said she may address it?</p> <p>2 A. Yeah.</p> <p>3 Q. Okay. Do you recall her saying</p> <p>4 anything else?</p> <p>5 A. That was it.</p> <p>6 Q. Okay. And following that meeting at</p> <p>7 some point your reporting assignment was changed</p> <p>8 from Lieutenant Pascua to Lieutenant Sadowski,</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. Do you remember how soon after that</p> <p>12 meeting that occurred?</p> <p>13 A. There was a meeting I think Adrienne</p> <p>14 Stanley had where -- like a staff meeting.</p> <p>15 Q. Okay.</p> <p>16 A. And I don't know if they had those</p> <p>17 regularly or if that was her way of addressing</p> <p>18 it during a staff meeting.</p> <p>19 Q. Sure, sure.</p> <p>20 A. But I think that infuriated Pascua even</p> <p>21 more.</p> <p>22 Q. Okay. And what do you remember</p> <p>23 Commander Stanley saying in that staff meeting</p> <p>24 about?</p>
<p style="text-align: right;">Page 114</p> <p>1 she said, you get it from them over there.</p> <p>2 Q. Okay.</p> <p>3 A. You're his people, is what she said.</p> <p>4 Q. Okay.</p> <p>5 A. At least that's what I recall her</p> <p>6 saying.</p> <p>7 Q. Okay. Do you remember --</p> <p>8 A. I told her, no, you are going to hear</p> <p>9 it, and I reiterated it. I'm sure she heard</p> <p>10 every thing I had to say.</p> <p>11 Q. Okay.</p> <p>12 A. I mean, I heard what she said, I know</p> <p>13 she had to hear what I said or at least</p> <p>14 partially.</p> <p>15 Q. Okay. And do you recall anything else</p> <p>16 Commander Stanley said in that meeting?</p> <p>17 A. She said that she's not -- like I said,</p> <p>18 she said she's not going to take that -- she</p> <p>19 won't take the number if we wanted it. She</p> <p>20 pointed towards the IAD section.</p> <p>21 Q. Okay.</p> <p>22 A. She said that she's going to -- I want</p> <p>23 to say she may go -- she may address it, is what</p> <p>24 she said.</p>	<p style="text-align: right;">Page 116</p> <p>1 A. She emphasized professionalism, she</p> <p>2 emphasized something about working together. But</p> <p>3 it didn't seem to me that she was being very</p> <p>4 specific to what I had expressed concerns or</p> <p>5 what Shannon had -- Officer Spalding had</p> <p>6 expressed concerns. It seemed like a very</p> <p>7 broad, vague statement to me.</p> <p>8 Q. Okay.</p> <p>9 A. But then --</p> <p>10 Q. But she held a staff meeting and she</p> <p>11 discussed along the lines of people being</p> <p>12 respectful and working well together; is that</p> <p>13 fair?</p> <p>14 A. Yeah, something like that may have --</p> <p>15 but it's like a very vague statement.</p> <p>16 Q. Okay.</p> <p>17 A. It didn't seem like it was</p> <p>18 addressing --</p> <p>19 Q. She didn't mention you or Officer</p> <p>20 Spalding specifically, correct?</p> <p>21 A. No.</p> <p>22 Q. Okay. In that same staff meeting, did</p> <p>23 she announce that you were now going to be</p> <p>24 reporting to Lieutenant Sadowski?</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
117-120

<p style="text-align: right;">Page 117</p> <p>1 A. I don't know -- no, not during that 2 meeting. I don't know if later on she told us 3 or I think Lieutenant Sadowski may have 4 approached us and said that we were going to 5 report to him. 6 Q. Okay. Do you think that was after that 7 staff meeting that you learned you were 8 reporting to Sadowski or before? 9 A. I want to say after it. 10 Q. Okay. How long after the staff meeting 11 do you think that? 12 A. I don't know, I don't know. I couldn't 13 tell you a time frame. 14 Q. Okay. 15 A. It wasn't no hours after, you know. 16 Q. Sure, sure. 17 And do you recall approximately how 18 long after your meeting with Commander Stanley 19 that she held the staff meeting? 20 A. I don't recall, either. 21 Q. Okay. 22 A. It wasn't hours after, either. 23 Q. Sure. 24 A. I mean, like said, there may have -- I</p>	<p style="text-align: right;">Page 119</p> <p>1 A. Because Mike, who used to sit there, 2 used to complain about the computer that doesn't 3 work there at all, either. So you can tell 4 somebody else that story. 5 Q. All right. 6 A. And I just said, well, then you know. 7 Q. Okay. 8 A. And he also said, maybe you should meet 9 with the commander. 10 Q. Okay. Other than what you just 11 testified to, do you recall -- 12 A. I mean -- 13 Q. -- Lieutenant Sadowski saying anything 14 else in that conversation? 15 A. No. 16 Q. Okay. Now, when he referenced Mike, do 17 you know who he was referring to? 18 A. There was a gentleman, an officer that 19 used to sit there. 20 Q. Okay. 21 A. And I think his name was Mike. 22 Q. Okay. And did you understand his point 23 was that Mike had also had problems with 24 Lieutenant Pascua?</p>
<p style="text-align: right;">Page 118</p> <p>1 think they used to have these staff meetings 2 regularly and I think this was just something 3 that she used to -- 4 Q. Address the issues? 5 A. -- attempt to address the issue, if you 6 ask me. 7 Q. Okay, fair enough. 8 MR. SMITH: Objection, foundation. 9 THE WITNESS: And, in fact, when we met 10 with Adrienne Stanley, Lieutenant Sadowski had 11 approached us and he said that -- because, see, 12 I had moved my cubical. I moved from one 13 cubical to another. And I used the excuse as 14 the computer doesn't work there. 15 BY MR. KING: 16 Q. Okay. 17 A. And Sadowski said, bullshit, I know why 18 you're moving, because you don't want to hear 19 her nonsense, her bullshit. And I said, what 20 are you talking about. He says, it's no secret, 21 it's no secret what she is up here and what 22 she's doing up here. I've heard it, I've 23 witnessed it. 24 Q. Okay.</p>	<p style="text-align: right;">Page 120</p> <p>1 A. No. 2 Q. Okay. 3 A. I didn't understand that from that 4 conversation at all. 5 Q. Okay. 6 A. In fact, I think when he said that, he 7 knew what we were talking about. Because at 8 that point, even Shannon may have been present. 9 He said -- I think we asked him as well about a 10 CR number. He said, oh, no, you talk to her 11 about that. Meaning Adrienne Stanley. 12 Q. Sure. Do you recall specifically you 13 asked Sadowski about a CR number or are you not 14 sure? 15 A. I want to say it's pretty sure. 16 Q. Okay. 17 A. I said, can't you address it with a 18 complaint? He said, no. 19 Q. Okay, all right. And that's before 20 you -- 21 A. Something along those effect -- that 22 effect. 23 Q. That's fine. And that's before you 24 have the meeting that you testified to with</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
121-124

<p style="text-align: right;">Page 121</p> <p>1 Commander Stanley?</p> <p>2 A. Correct, yeah.</p> <p>3 Q. Okay. Once you're reassigned to</p> <p>4 Lieutenant Sadowski, is it your position that</p> <p>5 Lieutenant Pascua engaged in any further</p> <p>6 retaliation or harassment against you?</p> <p>7 A. Yeah, it would still continue.</p> <p>8 Q. What would still continue?</p> <p>9 A. Her comments. I mean, everybody sat</p> <p>10 there within earshot.</p> <p>11 Q. Okay.</p> <p>12 A. I mean, the Inspection Division may</p> <p>13 have been maybe this size on each side of the</p> <p>14 cubical. So it's not a big area, you know. And</p> <p>15 she was not quiet when she spoke. She don't --</p> <p>16 she spoke so that you can hear her, is the way</p> <p>17 she spoke.</p> <p>18 Q. Okay. After the commander holds a</p> <p>19 staff meeting and after you're reassigned to</p> <p>20 Lieutenant Sadowski, is it your testimony that</p> <p>21 after that, Lieutenant Pascua --</p> <p>22 A. Continued.</p> <p>23 Q. -- continued to refer to you as rats</p> <p>24 and rat motherfuckers and the like?</p>	<p style="text-align: right;">Page 123</p> <p>1 Sadowski didn't also refer to you all as rats or</p> <p>2 make similar comments, correct?</p> <p>3 A. No.</p> <p>4 Q. Is that correct?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. What do you mean in Paragraph 64</p> <p>7 that he repeatedly attempted to lodge false</p> <p>8 allegations against you?</p> <p>9 A. Well, he attempted to write me up. It</p> <p>10 had to do something along the lines of OPY and</p> <p>11 this -- some overtime or time due slip with some</p> <p>12 question.</p> <p>13 Q. Why don't we look at this document.</p> <p>14 (Whereupon, Echeverria</p> <p>15 Deposition Exhibit No. 5 was</p> <p>16 marked for identification.)</p> <p>17 BY MR. KING:</p> <p>18 Q. Officer Echeverria, I'm showing you a</p> <p>19 document that's been marked as Deposition</p> <p>20 Exhibit No. 5. It's a counseling session report</p> <p>21 with your name on it and Kevin Sadowski. Is</p> <p>22 this what you're referring to in Paragraph 64</p> <p>23 where you indicate that Lieutenant Sadowski</p> <p>24 attempted to lodge false allegations against</p>
<p style="text-align: right;">Page 122</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 A. It never stopped.</p> <p>4 Q. Okay.</p> <p>5 MR. SMITH: When you get to a</p> <p>6 transition point, can we take a short break?</p> <p>7 MR. KING: Yes. We can do it now.</p> <p>8 (Whereupon, a short break was</p> <p>9 taken.)</p> <p>10 BY MR. KING:</p> <p>11 Q. Officer Echeverria, you testified to</p> <p>12 the staff meeting that Commander Stanley held.</p> <p>13 Lieutenant Pascua was at that meeting, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And Lieutenant Sadowski, also?</p> <p>16 A. Yes.</p> <p>17 Q. And if I can direct your attention back</p> <p>18 to the Amended Complaint, Paragraph 64. You</p> <p>19 indicate that Lieutenant Sadowski joined in</p> <p>20 Lieutenant Pascua's campaign by repeatedly</p> <p>21 attempting to lodge false allegations of</p> <p>22 wrongdoing against Plaintiffs.</p> <p>23 A. Yes.</p> <p>24 Q. Before we get to that, Lieutenant</p>	<p style="text-align: right;">Page 124</p> <p>1 you?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And --</p> <p>4 A. Page 2 of the -- I'm sorry, Page 2 of</p> <p>5 this is the same?</p> <p>6 Q. Page 1 is addressed to you and I</p> <p>7 believe Page 2 is addressed to Lieutenant -- or</p> <p>8 excuse me, Officer Spalding.</p> <p>9 A. Okay.</p> <p>10 Q. And did Lieutenant Sadowski have a</p> <p>11 meeting with you about this subject?</p> <p>12 A. He attempted to. It was very brief.</p> <p>13 Q. Okay. Explain that, how he attempted</p> <p>14 to have a meeting.</p> <p>15 A. He had us come in, I want to say,</p> <p>16 prior -- at that point, we were operational with</p> <p>17 Brass Tax. And he, I want to say, instructed us</p> <p>18 to come in earlier or something to that</p> <p>19 effect --</p> <p>20 Q. Okay.</p> <p>21 A. -- and he presented this to me.</p> <p>22 Q. Okay. Was Officer Spalding also</p> <p>23 present?</p> <p>24 A. No, she was not.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
125-128

<p style="text-align: right;">Page 125</p> <p>1 Q. Okay. So this Exhibit 5, are you 2 saying that Lieutenant Sadowski handed it to 3 you? 4 A. Yes. We met. We sat at a cubical. 5 Q. And what do you recall him saying and 6 you saying? 7 A. He presented this to me. 8 Q. Okay. 9 A. I looked at it and I said, you know, 10 this is not accurate. 11 Q. Okay. 12 A. And then he asked me to explain how is 13 it not accurate. Then he also presented the 14 time due slips to me, as well. 15 Q. Which is the third page of this 16 exhibit, correct? 17 A. Yes. 18 Q. Okay. Well, let's look at -- let's 19 take these two incidents separately. The first 20 incident he's written, fail to notify a 21 supervisor assigned to Unit 126 about the status 22 of eligibility for OPY, Operation Project Youth. 23 A. Uh-huh. 24 Q. Are you saying that's incorrect?</p>	<p style="text-align: right;">Page 127</p> <p>1 you about -- 2 A. I couldn't tell you a time frame 3 without being exact. 4 Q. What did you respond to him when he 5 asked you about your availability for OPY? 6 A. He explained what OPY was. 7 Q. Okay. 8 A. I acknowledged what it was. And 9 basically what it was, it's operation to protect 10 the youth. So people who work a desk position 11 were to rotate in the field. 12 Q. Okay. 13 A. And during the -- I think it was during 14 the school. It's similar to what is Safe 15 Passage today. 16 Q. Sure. 17 A. And I told him that we were not 18 eligible or we are not to do that because we are 19 not a desk assigned personnel. We are field 20 personnel since we are doing this junction with 21 IAD Confidential with our investigation that we 22 were assisting at. 23 Q. Okay. So let me get this -- tell me if 24 this is correct. You essentially told the</p>
<p style="text-align: right;">Page 126</p> <p>1 A. Yeah, I'm saying that. 2 Q. Okay. Do you recall Operation Project 3 Youth? 4 A. Yes, I know exactly what it is. 5 Q. Okay. And were you ever asked to 6 indicate your eligibility for that? 7 A. Yes, I was. 8 Q. And who asked you that? 9 A. It may have been Lieutenant Sadowski 10 himself. 11 Q. Okay. But you don't recall if it was 12 Sadowski or somebody else? 13 A. Yeah. I say it may have been him 14 himself. 15 Q. I understand you're saying it may have 16 been. My question -- 17 A. Okay. It was Lieutenant Sadowski. 18 Q. That's your recollection? 19 A. Yes. 20 Q. Okay. And how did he ask you about 21 your availability, in person, in an e-mail? 22 A. In person. 23 Q. Okay. And how long prior to this 24 meeting that we're talking about had he asked</p>	<p style="text-align: right;">Page 128</p> <p>1 lieutenant that despite the fact that you were 2 detailed to Unit 126 Inspections, you didn't 3 have to participate in OPY because you were also 4 working in the confidential investigation? 5 A. Right. 6 Q. Okay. And the second item here that he 7 mentions, failed to notify supervisor assigned 8 to 126 when you worked overtime on November 21, 9 2011. 10 And as you said, the third page of this 11 exhibit refers to that overtime, correct? 12 A. Yes. 13 Q. Okay. And that overtime was -- 14 A. That was fieldwork. 15 Q. -- was field work. And was that 16 approved by Juan Rivera? 17 A. Yes, it was. 18 Q. Okay. But that overtime work was not 19 requested by or approved by anyone in Unit 126, 20 correct? 21 A. No. Yes, it was. That -- to that date 22 in question -- 23 Q. Yes. 24 A. -- Lieutenant Sadowski was informed</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
129-132

<p style="text-align: right;">Page 129</p> <p>1 that we would be in the field with -- whether it 2 was Al Bohmer or Chester -- 3 Q. Okay. 4 A. -- or FBI personnel or the liaison at 5 the FBI building, and he was informed. He knew 6 we were going there, he knew our start time. 7 And I had text him -- he was very specific that 8 he wanted me to use my personal equipment to 9 text him when we were done. 10 Q. Okay. 11 A. So he can note when we were finished. 12 Q. Okay. 13 A. And when we expressed that concern to 14 the liaison, the supervisor we were reporting 15 to, CPD personnel, they said that's unheard of. 16 Q. Okay. 17 A. You're reporting to us, you're 18 dismissed by us. Why would you have to do that? 19 Just go ahead and do that so that -- they're 20 strange up there is what they quoted. So we did 21 so. 22 Q. Okay. 23 A. And so let's just -- I'll give you an 24 example. Don't -- do you want me to finish or</p>	<p style="text-align: right;">Page 131</p> <p>1 this counseling or write up or intervention or 2 whatever you want to call it. 3 Q. I see. 4 A. And I told him, that's not accurate. I 5 said I had sent him another text message, as 6 well. And he claimed he did not receive it. 7 Q. Okay. 8 A. Or he didn't -- he said, well, show me 9 or prove it to me. And I printed it up and I 10 gave it to him. And then he said, well, that 11 doesn't read the content of the text. And at 12 that time I told him he was being unreasonable 13 because it doesn't timestamp the message in and 14 message out. 15 Q. Okay. 16 A. And then at that point, I said, and in 17 fact right now we're in the middle of having to 18 go to the FBI building. And then we met with 19 FBI personnel and CPD personnel and we even met 20 with Chief Rivera. 21 Q. Okay. 22 A. And I expressed to Chief Rivera what is 23 transpiring. 24 Q. Sure.</p>
<p style="text-align: right;">Page 130</p> <p>1 do you want me to continue? 2 Q. I don't think your example is 3 responsive to my question. 4 A. Okay. Let's leave it alone, then. 5 Q. So let me ask you a question. 6 A. All right. 7 Q. So is it your testimony that on this 8 date, November 21, 2011, Lieutenant Sadowski 9 knew that you worked overtime? 10 A. Yes. 11 Q. Okay. And he knew it that same day? 12 A. Yes. 13 Q. Okay. And when you had the meeting 14 with him, was there any discussion about why he 15 was claiming you failed to notify him? 16 A. Yes. 17 Q. Okay. What did you say about that? 18 A. He stated that I had text him at X 19 hours -- 20 Q. Okay. 21 A. -- and the slip reflects a different 22 time. 23 Q. Okay. 24 A. And that's why he was attempting to do</p>	<p style="text-align: right;">Page 132</p> <p>1 A. And he said, I had addressed that with 2 him already. 3 Q. Okay. 4 A. So that's why the write up never got 5 signed. 6 Q. Right. 7 A. Because at that point -- 8 Q. It's your understanding that this write 9 up never got signed because Chief Rivera 10 intervened, correct? 11 A. Sure. 12 Q. Okay. 13 A. Because I had explained to Lieutenant 14 Sadowski that we were field personnel and OPY 15 did not -- 16 Q. You told me. 17 A. Correct. 18 Q. Explain to me the two texts you sent 19 Lieutenant Sadowski. 20 A. He wanted -- like I said, I may have 21 text him and -- see, this day in question, we 22 did a scenario, I want to say, with the 23 investigation. So I may have texted him at 24 whatever time.</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
133-136

<p style="text-align: right;">Page 133</p> <p>1 Q. Right.</p> <p>2 A. And then the slip got signed for</p> <p>3 whatever time.</p> <p>4 Q. Right.</p> <p>5 A. It was because we were detained by</p> <p>6 Chief Rivera.</p> <p>7 Q. Okay. So just so I'm clear, you texted</p> <p>8 him a time that you were done working?</p> <p>9 A. Yeah.</p> <p>10 Q. And then when you presented the</p> <p>11 overtime slip to him, it showed that you</p> <p>12 continued to work more time, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. The second text that you</p> <p>15 referred to, what did that text say?</p> <p>16 A. I want to say I told him, we are</p> <p>17 leaving now or we're just leaving now or we got</p> <p>18 detained, something along to that effect.</p> <p>19 Q. Okay.</p> <p>20 A. I can't recall.</p> <p>21 Q. Okay.</p> <p>22 A. But he did get informed of the</p> <p>23 different times.</p> <p>24 Q. Okay. And you said he indicated he</p>	<p style="text-align: right;">Page 135</p> <p>1 attempt to discipline you as reflected in</p> <p>2 Exhibit 5, is there anything else that</p> <p>3 Lieutenant Sadowski did that you felt was</p> <p>4 retaliation against you?</p> <p>5 A. Other than -- I mean, it's black and</p> <p>6 white here. So this is it.</p> <p>7 Q. Other than Exhibit 5?</p> <p>8 A. That would be it.</p> <p>9 Q. Okay, thank you.</p> <p>10 And I assume any alleged retaliation or</p> <p>11 harassment that you're claiming with respect to</p> <p>12 Lieutenant Pascua was only during the period</p> <p>13 that you were assigned to Inspections, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. In Paragraph 65 of the Amended</p> <p>16 Complaint, there's a reference to two sergeants</p> <p>17 of the Internal Affairs Division telling</p> <p>18 Plaintiffs, quote, sometimes you have to turn a</p> <p>19 blind eye to misconduct. Did you hear that?</p> <p>20 A. Yes.</p> <p>21 Q. Are you aware of who those two</p> <p>22 sergeants were?</p> <p>23 A. Yes.</p> <p>24 Q. Who were they?</p>
<p style="text-align: right;">Page 134</p> <p>1 didn't get that text or that it didn't convey</p> <p>2 the accurate information?</p> <p>3 A. That's something like -- something that</p> <p>4 he said to that effect. Or he said no, you</p> <p>5 didn't inform me or something along to that</p> <p>6 effect.</p> <p>7 Q. Okay. So to the best of your</p> <p>8 knowledge, this discipline was never finalized,</p> <p>9 is that fair to say?</p> <p>10 A. Right. Because when we met with Chief</p> <p>11 Rivera, I said, you know -- he said, how did it</p> <p>12 go. And I said, you know what, Lieutenant</p> <p>13 Sadowski attempted to do this. And he said,</p> <p>14 wow, okay, well, let me address that.</p> <p>15 Q. Okay.</p> <p>16 A. So I don't know what he may have</p> <p>17 explained to them or not.</p> <p>18 Q. Okay. And is it your testimony that</p> <p>19 Lieutenant Sadowski's attempt to discipline you</p> <p>20 here was somehow retaliation for working on</p> <p>21 Operation Brass Tax, is that what you're</p> <p>22 claiming?</p> <p>23 A. Sure.</p> <p>24 Q. Okay. Other than Lieutenant Sadowski's</p>	<p style="text-align: right;">Page 136</p> <p>1 A. Mike Barz and I can't remember the</p> <p>2 second gentleman's name. I don't know, but he</p> <p>3 was definitely also a confidential personnel.</p> <p>4 Q. Okay.</p> <p>5 A. He may have even been introduced to me,</p> <p>6 but I don't remember his name.</p> <p>7 Q. And was this statement in a single</p> <p>8 conversation where Mike Barz was there and the</p> <p>9 other officer was there?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And do you remember where that</p> <p>12 conversation took place?</p> <p>13 A. Yeah, at headquarters.</p> <p>14 Q. Okay. And was Officer Spalding also</p> <p>15 present?</p> <p>16 A. Yes.</p> <p>17 Q. And do you recall what was said in the</p> <p>18 conversation that led to one of the sergeants</p> <p>19 making that statement?</p> <p>20 A. We were talking something along the</p> <p>21 lines of -- or he was mentioning something along</p> <p>22 the lines -- it was in reference to Brass Tax,</p> <p>23 that it's not so much what you know, it's what</p> <p>24 you can prove. Sometimes you have to turn a</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
137-140

<p style="text-align: right;">Page 137</p> <p>1 blind eye to what you know because you can't 2 prove it. 3 Q. Okay. 4 A. Something to that effect. 5 Q. Okay. Talking about information you 6 were developing on Watts? 7 A. I can't tell you with certainty at this 8 time. 9 Q. Okay. Do you recall if it was Mike 10 Barz or the other officer that made the 11 statement, sometimes you have to turn a blind 12 eye? 13 A. Mike Barz. 14 Q. Okay. In Paragraph 68 of the Complaint 15 you indicate that after the indictments of Watts 16 and Mohammed, because you had already been 17 established to be rats, you weren't allowed to 18 go back to Narcotics. 19 That allegation that Chief Roti didn't 20 allow you to go back to Narcotics or any other 21 division, was that based on what you previously 22 testified to that you had been told about a 23 meeting where Roti was present? 24 A. Yes, from Chief Rivera.</p>	<p style="text-align: right;">Page 139</p> <p>1 Q. Okay. 2 A. And then a female voice, which I think 3 may have been his secretary, asked how she may 4 help me. And I said, I would like to make an 5 appointment to speak with the chief. 6 Q. Okay. 7 A. And she questioned me as to what it was 8 in regards to. I told her it was a confidential 9 matter. 10 Q. Okay. 11 A. She said, are you -- she asked me, who 12 I was, I identified myself. 13 Q. Yeah. 14 A. She asked me if I was Unit 189 15 personnel. 16 Q. Yes. 17 A. And I said, yes, I am. She asked me if 18 I was detailed or assigned anywhere else. I 19 said, I'm assigned but detailed to this unit, 20 to -- 21 Q. Did you tell her you were assigned 22 to -- 23 A. To Narcotics, to 189. 24 Q. Okay. But you were detailed to another</p>
<p style="text-align: right;">Page 138</p> <p>1 Q. Okay. So Roti didn't tell you or make 2 any statements new after the Watts and Mohammed 3 indictments that you couldn't come back, 4 correct? 5 A. No. I've never spoken to him. 6 Q. Right, okay. Did you at some point try 7 to speak with Chief Roti about -- 8 A. I believe I may have reached out to him 9 once. 10 Q. Okay. And that was by telephone? 11 A. Correct. 12 Q. Okay. Do you recall when that was? 13 A. I can't give an exact date, but it 14 never happened. I never got an appointment to 15 see him. It was denied. 16 Q. Okay. Do you know if that conversation 17 or that phone call you placed was in March of 18 2012? 19 A. I can't tell you an exact date. 20 Q. Okay. Tell me what you recall about 21 that phone conversation. 22 A. I called the Organized Crime unit, I 23 believe the phone was answered by a gentleman 24 and then I was placed on hold.</p>	<p style="text-align: right;">Page 140</p> <p>1 unit? 2 A. Right, to an outside unit. 3 Q. Okay. Did you remember if you told her 4 at the time you were detailed to Inspections or 5 did you just say to an outside unit? 6 A. I want to say I was specific. 7 Q. Do you think it was Inspections at the 8 time? 9 A. Yes, I was specific. 10 Q. Okay. 11 A. And then she asked me again, well, you 12 need to tell me what this is in regards to. 13 Q. Okay. 14 A. And I told her, it was a confidential 15 matter. 16 Q. Okay. 17 A. And she said, well, I cannot give you 18 and I won't give you an appointment unless 19 you -- if you can't tell me this information, 20 confidential or not, I can't give you an 21 appointment. And I said -- I said, it's very 22 confidential, I cannot disclose that 23 information. 24 Q. Okay.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
141-144

<p style="text-align: right;">Page 141</p> <p>1 A. And she said, well, then I can't give 2 you an appointment and she hung up. That was 3 the end of the conversation. 4 Q. Okay. And did you swear at all in the 5 conversation? 6 A. No, I did not. 7 Q. Okay. 8 A. It's not my style. 9 Q. Would you say you were heated or 10 agitated? 11 A. Not at all. 12 Q. And do you know who this female was 13 that you were speaking to? 14 A. I would guess it was -- it would be if 15 you would call and make -- ask for an 16 appointment -- 17 Q. Sure. 18 A. -- you would have to speak to his 19 direct secretary, is what I would guess. 20 Q. Okay. 21 A. So I would guess maybe it was his 22 direct secretary. 23 Q. Okay. Do you recall in that same 24 conversation also the phone being given to a</p>	<p style="text-align: right;">Page 143</p> <p>1 Chief Juan Rivera to open a CR number for you? 2 A. Yes, we asked him for intervention. 3 Yes, absolutely. 4 Q. Okay. I understand you asked him for 5 intervention. Did you ever ask him to open a 6 CR? 7 A. Yes. 8 Q. Okay. Did that happen once or how many 9 times do you think you asked him to open a CR? 10 A. Many times. 11 Q. Many times? 12 A. Yeah. Definitely not once. 13 Q. Okay. And do you recall what he would 14 say in response to that request? 15 A. Hang in there. 16 Q. He'd say, hang in there? 17 A. Hang in there. 18 Q. Okay. And Commander Stanley, any 19 alleged retaliation that you claim she engaged 20 in was all during the time that you were 21 assigned to Inspections, correct? 22 A. Correct. 23 Q. And at a certain point, you and Officer 24 Spalding applied for positions in the Fugitive</p>
<p style="text-align: right;">Page 142</p> <p>1 sergeant? Were you talking to a sergeant? 2 A. Not at all. I spoke to two people. 3 Q. Okay. 4 A. One was a gentleman who said, can you 5 hold please. 6 Q. Okay. 7 A. I was placed on hold momentarily and 8 then the phone was picked up by a female 9 person. 10 Q. Okay. Do you remember the female 11 telling you something to the effect that you 12 needed to go through the chain of command? 13 A. No, I cannot remember that. 14 Q. Okay. She may have said that, may not? 15 A. It was basically what I told you, that 16 was it. 17 Q. Okay. Did you ever complain, you or 18 Officer Spalding, to your knowledge, complain 19 about any alleged retaliation to Tina Skahill? 20 A. No. 21 Q. Okay. And you never asked Tina Skahill 22 to pull a CR number for you, correct? 23 A. Correct. 24 Q. Okay. Did you ever specifically ask</p>	<p style="text-align: right;">Page 144</p> <p>1 Apprehension unit, correct? 2 A. Yes. 3 Q. Okay. And you put in applications, 4 both Chief Rivera and Lieutenant Skahill 5 provided -- 6 A. Chief Skahill, yes. 7 Q. I'm sorry. Chief Skahill provided 8 letters of recommendation for you? 9 A. Yes. 10 Q. And Officer Spalding, correct? 11 A. Correct. 12 Q. Okay. And you got in to Fugitive 13 Apprehension? 14 A. Yes. 15 Q. Okay. I assume you're not claiming 16 that the move to Fugitive Apprehension was 17 retaliation? 18 A. No. It was supposed to be a clean 19 slate. 20 Q. Okay. Would you agree that Fugitive 21 Apprehension is a very desirable unit in the 22 police department? 23 A. It's a specialized unit, among others. 24 Q. Okay. Fair to say it's desirable,</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
145-148

<p style="text-align: right;">Page 145</p> <p>1 something a lot of people apply for?</p> <p>2 A. I don't know -- I can't say what a lot</p> <p>3 of people might want or not want.</p> <p>4 Q. Okay.</p> <p>5 A. But it is a specialized unit.</p> <p>6 Q. Okay.</p> <p>7 A. I mean, different strokes for different</p> <p>8 folks, you know.</p> <p>9 Q. Sure. And during the time that you and</p> <p>10 Officer Spalding have worked in Fugitive</p> <p>11 Apprehension, you were never part of a U.S.</p> <p>12 Marshal's Task Force, correct?</p> <p>13 A. We worked on a task force team but</p> <p>14 never deputized as a Marshal or received any</p> <p>15 credentials as a...</p> <p>16 Q. So you worked on a team where some of</p> <p>17 the officers had been deputized by the U.S.</p> <p>18 Marshal?</p> <p>19 A. Pretty much.</p> <p>20 Q. But you and Officer Spalding --</p> <p>21 A. Were not.</p> <p>22 Q. -- were not, correct?</p> <p>23 A. Right.</p> <p>24</p>	<p style="text-align: right;">Page 147</p> <p>1 in one of our many meets and we asked maybe we</p> <p>2 can get a federal task force.</p> <p>3 Q. Okay.</p> <p>4 A. Maybe we can meet with the</p> <p>5 superintendent. And he said, I would agree, you</p> <p>6 should meet with him.</p> <p>7 Q. Okay. Did you ever have a meeting with</p> <p>8 the superintendent?</p> <p>9 A. Never.</p> <p>10 Q. Okay.</p> <p>11 A. I never met the man.</p> <p>12 Q. Okay. So you never met and requested a</p> <p>13 federal task force. So you understood when you</p> <p>14 were going into Fugitive Apprehension, you</p> <p>15 weren't part of a federal task force, correct?</p> <p>16 A. Correct.</p> <p>17 Q. Okay.</p> <p>18 A. At that time.</p> <p>19 Q. Okay. And then the next paragraph</p> <p>20 says, Chief Byrne reiterated to us, it won't be</p> <p>21 like a fed unit, it will be a CPD tact concept.</p> <p>22 Had you had a conversation with Chief Byrne?</p> <p>23 A. Yes, I did.</p> <p>24 Q. And this was about you and Officer</p>
<p style="text-align: right;">Page 146</p> <p>1 (Whereupon, Echeverria</p> <p>2 Deposition Exhibit No. 6 was</p> <p>3 marked for identification.)</p> <p>4 BY MR. KING:</p> <p>5 Q. Officer Echeverria, I'm showing you</p> <p>6 another e-mail or a couple of e-mails that have</p> <p>7 been marked Deposition Exhibit No. 6. The</p> <p>8 bottom half is an e-mail to you from Juan Rivera</p> <p>9 and the upper half is an e-mail from you to Juan</p> <p>10 Rivera. Do you recall these e-mails?</p> <p>11 A. Sure.</p> <p>12 Q. Okay.</p> <p>13 A. I mean, it's written from me, right?</p> <p>14 Q. Yes.</p> <p>15 A. Yeah.</p> <p>16 Q. Yes. And in your e-mail at the top of</p> <p>17 the page in the second paragraph you write, we</p> <p>18 agree with you that we should meet with the supe</p> <p>19 and request the Fed Task Force. Do you see</p> <p>20 that?</p> <p>21 A. Yes.</p> <p>22 Q. Is that something that Juan Rivera had</p> <p>23 suggested that you do?</p> <p>24 A. We had -- we had met with Juan Rivera</p>	<p style="text-align: right;">Page 148</p> <p>1 Spalding going into Fugitive Apprehension?</p> <p>2 A. Correct.</p> <p>3 Q. And what do you recall being said in</p> <p>4 that conversation?</p> <p>5 A. We had met with him. He used to be our</p> <p>6 commander in the 1st District at one time, so he</p> <p>7 was aware of our -- of our work ethic.</p> <p>8 Q. Sure.</p> <p>9 A. And he was the chief I believe at that</p> <p>10 time of the Bureau of Detectives. And we had</p> <p>11 confided in him with our investigation. He said</p> <p>12 that there are no openings at the present time.</p> <p>13 Q. Okay.</p> <p>14 A. For the U -- to be deputized as a U.S.</p> <p>15 Marshal. And that at that time, he can have us</p> <p>16 come over. But once -- but it would be like a</p> <p>17 tact team concept.</p> <p>18 Q. Okay.</p> <p>19 A. And that once opportunity came or</p> <p>20 openings came, of course we were -- we will be</p> <p>21 eligible for it.</p> <p>22 Q. Okay.</p> <p>23 A. That was the sum of it.</p> <p>24 Q. Okay. And you write that he, Chief</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
149-152

<p style="text-align: right;">Page 149</p> <p>1 Byrne, also feels that a task force is what you 2 should request? 3 A. Yes. 4 Q. Okay. 5 A. He said that you should be on a task 6 force. 7 Q. Okay. So when he was indicating, when 8 there are openings, you should request to be on 9 a task force, correct? 10 A. Correct. That's how I interpret it. 11 Q. And then your last sentence of your 12 e-mail says, if all else fails, we agree working 13 with you in CIS would be best. 14 So you are indicating whatever -- if 15 all else -- if all else fails, you and Officer 16 Spalding would be agreeable to work -- working 17 for Chief Rivera, correct? 18 A. That's what it says. 19 Q. Okay. And do you have any personal 20 knowledge of James O'Grady speaking to anyone in 21 Fugitive Apprehension about you or Officer 22 Spalding? 23 A. Yes. 24 Q. And what's that based on?</p>	<p style="text-align: right;">Page 151</p> <p>1 A. Yes, she is. 2 Q. And she called you prior to you coming 3 into the unit? 4 A. Yes. She called the day before, the 5 night before, something like that. 6 Q. And what do you recall her saying to 7 you and you saying to her in that conversation? 8 A. That we are -- that she identified 9 herself, she was calling us to -- calling me to 10 inform me that the effective change date, which 11 whatever date that may have been -- 12 Q. Sure. 13 A. -- that we are to report to the 14 Fugitive Apprehension. She was welcoming us 15 there. And she said, I don't know if you know 16 or don't know yet, but she goes, the effective 17 change date. She said, that there was a meeting 18 going on with Commander O'Grady, I guess. She 19 said maybe -- with personnel there and maybe 20 he's upset that he's losing such great officers 21 or two of his officers. Something along those 22 lines. 23 Q. She told you there was a meeting going 24 on --</p>
<p style="text-align: right;">Page 150</p> <p>1 A. That's based on when we first got 2 there, the comment made to us by administrative 3 secretaries who are also sworn personnel and by 4 a phone call I received from another 5 administrative secretary informing me of a 6 reassignment to Fugitive Apprehension. 7 Q. Okay. And which of those things 8 happened first, the phone call or the -- 9 A. The phone call definitely happened 10 first. 11 Q. Okay. Do you recall who that phone 12 conversation was with? 13 A. It was with -- I can't think of her 14 last name. They call her Mo. Her name is 15 Maureen. 16 Q. Okay. 17 A. But I don't know her last name. She's 18 the sister of the officer that got shot, that 19 evidence technician. Maureen. I can't think of 20 her last name. 21 Q. But Maureen was an administrative 22 secretary -- 23 A. Yes. 24 Q. -- in Fugitive Apprehension?</p>	<p style="text-align: right;">Page 152</p> <p>1 A. Yeah. 2 Q. -- with Commander O'Grady? 3 A. Yeah. I don't know if you know, but 4 you're coming over is what she said. 5 Q. Okay. And my question is it's your 6 testimony that she told you there was a meeting 7 going on with Commander O'Grady and Fugitive 8 Apprehension personnel? 9 A. Yes. 10 Q. Okay. 11 A. She said, I don't know if you know from 12 your unit yet or not, but I'm calling to let you 13 know you're coming over. 14 Q. Okay. 15 A. That was the end of the conversation. 16 Q. Okay. Did she say anything else about 17 this meeting? 18 A. No. 19 Q. And did you also testify that some 20 other administrative secretary -- 21 A. Yes. 22 Q. -- said something about Commander 23 O'Grady? 24 A. When we came into the unit?</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
153-156

<p style="text-align: right;">Page 153</p> <p>1 Q. Yeah.</p> <p>2 A. I don't think we were there more than a</p> <p>3 whole 10, 15 minutes. She said, so you guys are</p> <p>4 the IAD rats or implants, to that effect.</p> <p>5 Q. And do you recall who made that</p> <p>6 statement?</p> <p>7 A. Sure. It was two secretaries. One was</p> <p>8 Jan Hannah, Colleen Dugan.</p> <p>9 Q. Okay.</p> <p>10 A. So I don't know who said it first, but</p> <p>11 they both echoed each other.</p> <p>12 Q. Okay. And did Ms. Hannah or Ms. Dugan</p> <p>13 say anything else in this conversation?</p> <p>14 A. That was a shock to even hear that</p> <p>15 coming 10 minutes, 15 minutes in the door. That</p> <p>16 was the most -- I mean, that was --</p> <p>17 Q. Do you recall them saying anything</p> <p>18 else?</p> <p>19 A. That was it. So, you know, the way I</p> <p>20 see it is, you know, that explained the meeting</p> <p>21 with O'Grady and the personnel there.</p> <p>22 Q. That's the conclusion you came to?</p> <p>23 A. Yes, initially, at that time. Later</p> <p>24 on, yes, I confirmed it.</p>	<p style="text-align: right;">Page 155</p> <p>1 on the two conversations you just testified to,</p> <p>2 correct?</p> <p>3 A. Yes. And other things, as well.</p> <p>4 Q. Okay. What other things?</p> <p>5 A. Well, once we were in Barnes' team,</p> <p>6 some officers reached out to us and said, we</p> <p>7 knew you guys were coming from IAD before you</p> <p>8 guys got here.</p> <p>9 Q. Okay.</p> <p>10 A. He said, Sergeant Barnes told us.</p> <p>11 Q. Okay. Well, let's look at Paragraph 76</p> <p>12 of the Amended Complaint. It says, Sergeant</p> <p>13 Barnes thereafter informed your new team that</p> <p>14 you were rats and that you should not being</p> <p>15 trusted or backed up. Is that your testimony?</p> <p>16 A. Yes, it is.</p> <p>17 Q. Okay. And where did you get that</p> <p>18 information?</p> <p>19 A. From team members.</p> <p>20 Q. Okay. And team members told you</p> <p>21 specifically that Sergeant Barnes called you</p> <p>22 rats --</p> <p>23 A. Yes.</p> <p>24 Q. -- and said you should not be trusted</p>
<p style="text-align: right;">Page 154</p> <p>1 Q. Later on you confirmed what?</p> <p>2 A. That had to be it.</p> <p>3 Q. Okay. How did you confirm that that</p> <p>4 had to be it?</p> <p>5 A. When we met with Cesario, Barnes and</p> <p>6 Commander Salemm.</p> <p>7 Q. We'll get to that.</p> <p>8 When you first went over to Fugitive</p> <p>9 Apprehension, you were on Sergeant Barnes' team,</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. The day team.</p> <p>14 Q. Day team, second watch?</p> <p>15 A. Yes.</p> <p>16 Q. And the commander was --</p> <p>17 A. Joseph Salemm.</p> <p>18 Q. -- Salemm and your lieutenant was</p> <p>19 Cesario?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Paragraph 75 of the Complaint</p> <p>22 talks about Defendant O'Grady informing your new</p> <p>23 supervisors that you were rats and should be</p> <p>24 treated accordingly. That allegation is based</p>	<p style="text-align: right;">Page 156</p> <p>1 or backed up?</p> <p>2 A. Yes.</p> <p>3 Q. Which team member told you that?</p> <p>4 A. The first one that I want to say that</p> <p>5 expressed their honesty, I guess, was Robert</p> <p>6 Walker.</p> <p>7 Q. Okay. And was this in a conversation</p> <p>8 with Robert Walker and you and Officer Spalding?</p> <p>9 A. Yes.</p> <p>10 Q. And where did that conversation take</p> <p>11 place?</p> <p>12 A. It either took place at the area, which</p> <p>13 would be where we would report into the office</p> <p>14 on, what's that, Area 2 on 111th and Ellis, I</p> <p>15 believe it is. 111th and Ellis and it also may</p> <p>16 have occurred in a vehicle or it could have been</p> <p>17 both. Because we had many conversations with</p> <p>18 Robert Walker, as well.</p> <p>19 Q. Okay. And what do you recall Robert</p> <p>20 Walker saying to you as it relates to</p> <p>21 Paragraph 76 of the Complaint?</p> <p>22 A. He said that he knew we were IAD before</p> <p>23 we got there, he knew we were rats or had called</p> <p>24 it -- referenced us as rats because we had</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
157-160

<p style="text-align: right;">Page 157</p> <p>1 worked on IAD cases with other officers, 2 involving officers. 3 He said that he made his assessment of 4 us and he doesn't have a problem working with us 5 and that people that have a problem with us it's 6 probably because they have something to worry 7 about and he has nothing to worry about, he will 8 work with us any time. And he said that 9 Sergeant Barnes is the one that informed him of 10 that. 11 Q. Okay. Other than that conversation 12 that you just testified to with Robert Walker, 13 is there anything else that you're basing your 14 allegation that Barnes told your new team that 15 you were rats and they shouldn't work with you? 16 A. Yeah. 17 Q. What else? 18 A. Officer Guishnere, Loren Guishnere. 19 Q. Yes. 20 A. He expressed similar comments, as well. 21 And he said that they were informed to be bad to 22 us. And he said, he can't be bad to anybody who 23 hasn't done anything to him personally. 24 Q. Okay. And he --</p>	<p style="text-align: right;">Page 159</p> <p>1 the meeting from going forward. 2 And he said, where are you getting this 3 from. And I said, what difference does it make, 4 I'm addressing the team. 5 Q. Okay. 6 A. And Robert Walker said, shit, I said 7 it. I said you said it. 8 Q. Okay. 9 A. So that confirmed that, as well. 10 Q. And what else was said after Robert 11 Walker said, I said it? 12 A. He adjourned the meeting. He didn't 13 want the meeting to go forward anymore. 14 Q. So Robert Walker says, I said it, and 15 Barnes immediately adjourns the meeting with no 16 further discussion? 17 A. That's right. 18 Q. Is that your testimony? 19 A. Yes. 20 Q. Okay. And prior to that team meeting, 21 had you had -- you or Officer Spalding had any 22 conversation with Sergeant Watts about -- 23 A. Sergeant Watts? 24 Q. I'm sorry.</p>
<p style="text-align: right;">Page 158</p> <p>1 A. And he said Sarge is the one who told 2 us all about you guys. Sarge, referencing 3 Sergeant Barnes. 4 Q. Okay. In the conversation with 5 Guishnere, did he say anything about rats? 6 A. I mean, it was clear. 7 Q. In the conversation with Guishnere, did 8 he say anything about rats? 9 A. No. 10 Q. Thank you. 11 A. Okay. 12 Q. Other than those two conversations with 13 Robert Walker and Guishnere, is there anything 14 else you're basing your allegation on that 15 Sergeant Barnes told the team that you were rats 16 and shouldn't be trusted or backed up? 17 A. Yes. 18 Q. What else? 19 A. Well, there was an incident where he 20 held like a team meeting or something and I took 21 advantage of that team meeting and I addressed 22 the issue, did anybody have a problem working 23 with my partner and myself, did anybody think we 24 were rats or not. And Barnes tried to interrupt</p>	<p style="text-align: right;">Page 160</p> <p>1 A. No. 2 Q. I'm sorry. Sergeant Barnes. I'm 3 sorry. Sergeant Barnes about the subject of him 4 allegedly referring to you as rats or telling 5 team members not to work with you or back you 6 up? 7 A. No. 8 Q. Okay. 9 A. I don't think Sergeant Watts would like 10 to talk to me. He'd like to put his hands 11 around my neck, more like it. That man's 12 dangerous. He's a gangster. 13 Q. I don't doubt that. 14 Paragraph 77 talks about at one point, 15 Sergeant Barnes removed you and Officer Spalding 16 from a high profile case. Do you know what 17 that's referring to? 18 A. Yes. 19 Q. Can you explain that to me? 20 A. Shannon was assigned I believe a 21 homicide case that had been in the media 22 overnight or something like that and we had 23 worked -- Shannon had worked it up. And we were 24 in transit to go meet some of the victims or</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
161-164

<p style="text-align: right;">Page 161</p> <p>1 witnesses.</p> <p>2 Q. And who was with you?</p> <p>3 A. I want to say it was either Larry Odem</p> <p>4 or Kevin Williams or maybe even both.</p> <p>5 Q. Okay.</p> <p>6 A. I can't say with -- I mean, I can't --</p> <p>7 Q. But it was definitely you --</p> <p>8 A. Shannon.</p> <p>9 Q. -- Officer Spalding and Larry Odem</p> <p>10 and/or Kevin Williams?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. And what happens next?</p> <p>13 A. And I believe Shannon got a phone call</p> <p>14 inquiring where she was at or what we were</p> <p>15 doing.</p> <p>16 Q. Okay.</p> <p>17 A. Shannon said, she stated where we were</p> <p>18 en route to. We were literally minutes away</p> <p>19 from our destination and Barnes instructed her</p> <p>20 to abort it.</p> <p>21 Q. Okay. Could you hear the conversation</p> <p>22 through the phone or no?</p> <p>23 A. I can hear a conversation, I can hear a</p> <p>24 male voice.</p>	<p style="text-align: right;">Page 163</p> <p>1 in Fugitive Apprehension worked on that case or</p> <p>2 picked up that case?</p> <p>3 A. I couldn't tell you the status of that</p> <p>4 case.</p> <p>5 Q. Okay. Paragraph 78 in the Complaint</p> <p>6 talks about Plaintiff Spalding talking to</p> <p>7 Sergeant Barnes and Barnes repeatedly</p> <p>8 referencing that you and Officer Spalding had</p> <p>9 brought down a sergeant.</p> <p>10 Did you ever hear Barnes making</p> <p>11 references to the fact that you and Officer</p> <p>12 Spalding had brought down a sergeant?</p> <p>13 A. Yes.</p> <p>14 Q. When did this occur?</p> <p>15 A. At the area while we were working on</p> <p>16 Barnes' team.</p> <p>17 Q. Okay. Was that one conversation or</p> <p>18 multiple conversations?</p> <p>19 A. Barnes had multiple conversations with</p> <p>20 Shannon.</p> <p>21 Q. Okay. I'm asking about you personally.</p> <p>22 Did you personally ever have a conversation with</p> <p>23 Barnes where he referenced the fact that you and</p> <p>24 Shannon had brought down a sergeant?</p>
<p style="text-align: right;">Page 162</p> <p>1 Q. Okay.</p> <p>2 A. And based on what Shannon's answers</p> <p>3 were, I know she was talking to Barnes.</p> <p>4 Q. Okay.</p> <p>5 A. Because she said, oh, hey, Sarge,</p> <p>6 what's going on.</p> <p>7 Q. Sure, sure.</p> <p>8 A. But to hear the definite</p> <p>9 conversation --</p> <p>10 Q. Right.</p> <p>11 A. -- I don't -- I can't hear Barnes'</p> <p>12 words, but I can --</p> <p>13 Q. Do you recall Officer Spalding saying</p> <p>14 in that conversation to Barnes that Larry Odem</p> <p>15 and/or Kevin Williams were with you?</p> <p>16 A. Yeah, yes.</p> <p>17 Q. He knew that, right?</p> <p>18 A. Yeah.</p> <p>19 Q. Okay. And to your understanding, he</p> <p>20 asked you guys to abort. And was that the end</p> <p>21 of you and Officer Spalding working on that</p> <p>22 case?</p> <p>23 A. That was the end of it.</p> <p>24 Q. Okay. Do you know who, if anyone, else</p>	<p style="text-align: right;">Page 164</p> <p>1 A. Other than that one, no.</p> <p>2 Q. Okay. You think you personally heard</p> <p>3 one?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And do you know if this was</p> <p>6 before the team meeting you testified to or</p> <p>7 after?</p> <p>8 A. I couldn't tell if it was before or</p> <p>9 after.</p> <p>10 Q. Okay.</p> <p>11 A. I don't want to misinform you.</p> <p>12 Q. That's fine.</p> <p>13 Paragraph 79 has an allegation about</p> <p>14 what Barnes allegedly told Plaintiff Spalding.</p> <p>15 Did you personally hear Barnes saying the words</p> <p>16 that are quoted in Paragraph 79?</p> <p>17 A. Yes.</p> <p>18 Q. You were present for that?</p> <p>19 A. I stood within earshot to hear the</p> <p>20 conversation.</p> <p>21 Q. Okay. Is that the same conversation</p> <p>22 you were referring to in Paragraph 78?</p> <p>23 A. No. That's different.</p> <p>24 Q. Okay. And the one you heard in</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
165-168

<p style="text-align: right;">Page 165</p> <p>1 earshot, what do you recall hearing?</p> <p>2 A. I recall Sergeant Barnes taking Shannon</p> <p>3 to, I don't know if it was a rear storage room</p> <p>4 or an interview room converted to a storage room</p> <p>5 or something like that, but it was off -- a</p> <p>6 room --</p> <p>7 Q. Okay.</p> <p>8 A. -- up in the Detective Division.</p> <p>9 And I just found it awkward that -- I</p> <p>10 mean, okay, so he wanted -- Shannon, let me talk</p> <p>11 to you, they went back in the room. But then it</p> <p>12 just seemed odd to me that why would he talk to</p> <p>13 her -- I mean, I was looking at the clock, I'm</p> <p>14 like, man, they're in there for a while. I</p> <p>15 better go check up on what's going on because I</p> <p>16 was concerned for my partner based on the</p> <p>17 incidents and conversations and stuff. So the</p> <p>18 door was open.</p> <p>19 Q. Okay.</p> <p>20 A. So I stood there for a minute and I can</p> <p>21 hear Barnes saying, you know, referencing</p> <p>22 Shannon -- having to tell Shannon's daughter</p> <p>23 that she will be coming home in a box and things</p> <p>24 to that effect.</p>	<p style="text-align: right;">Page 167</p> <p>1 Q. Okay.</p> <p>2 A. Like I had initially did.</p> <p>3 Q. Do you recall Sergeant Barnes, hearing</p> <p>4 Sergeant Barnes saying anything else in that</p> <p>5 incident?</p> <p>6 A. Yeah. He referred to back up not</p> <p>7 coming or the team not liking us any more or the</p> <p>8 team never liked us and things to that effect.</p> <p>9 Q. Okay. And --</p> <p>10 A. I mean, I don't want to go stick my</p> <p>11 head in and -- I mean, I had to, you know, I</p> <p>12 just -- I followed my instinct and I heard what</p> <p>13 I heard and that was enough for me to say it was</p> <p>14 inappropriate.</p> <p>15 Q. Before you went to check on what was</p> <p>16 going on in that meeting, you couldn't hear</p> <p>17 anything being said, correct?</p> <p>18 A. No. Correct.</p> <p>19 Q. Okay. Paragraphs 80 and following</p> <p>20 refer to a meeting on or about June 20, 2012</p> <p>21 with you, Officer Spalding, Commander Salemme,</p> <p>22 Lieutenant Cesario and Sergeant Barnes.</p> <p>23 A. Yes.</p> <p>24 Q. Do you recall that meeting?</p>
<p style="text-align: right;">Page 166</p> <p>1 And then I said, well, that's enough, I</p> <p>2 heard enough. So then I went back and I said,</p> <p>3 hey, Kev, you know -- meaning Kevin Williams. I</p> <p>4 said, you know, come over here with me. He</p> <p>5 said, hey, what's going on. We walked into --</p> <p>6 then I went ahead and I interrupted the meeting.</p> <p>7 Q. Okay.</p> <p>8 A. And I said, hey, Sarge, is there</p> <p>9 something you want to talk to me about, as well?</p> <p>10 He said, no, you played with her all day -- you</p> <p>11 know, you play with her all day, let me play</p> <p>12 with her for a little bit. Let me talk to her.</p> <p>13 She's a big girl.</p> <p>14 Q. Okay.</p> <p>15 A. You know, I'll give her back, you could</p> <p>16 play with her afterwards.</p> <p>17 Q. Okay.</p> <p>18 A. Things to that effect.</p> <p>19 Q. And Kevin Williams was present at that</p> <p>20 point, too?</p> <p>21 A. I believe so. Because he walked up</p> <p>22 there with me. I don't know if he entered the</p> <p>23 room behind me or if he stood outside the</p> <p>24 doorway, as well.</p>	<p style="text-align: right;">Page 168</p> <p>1 A. Yes, I do.</p> <p>2 Q. Do you recall how you were told about</p> <p>3 that meeting was going to take place?</p> <p>4 A. Via phone call.</p> <p>5 Q. A phone call from who?</p> <p>6 A. Sergeant Barnes.</p> <p>7 Q. And what did he tell you?</p> <p>8 A. He said, come meet -- he gave us a</p> <p>9 time, I don't know what time it was. It was</p> <p>10 whatever time.</p> <p>11 Q. Sure.</p> <p>12 A. Why don't you meet me at Homan Square.</p> <p>13 Q. Okay. And was that basically the gist</p> <p>14 of that conversation?</p> <p>15 A. No. Yeah, that conversation. Yes.</p> <p>16 Q. All right. So you -- do you have any</p> <p>17 conversation with anybody else about that</p> <p>18 meeting before you attend the meeting?</p> <p>19 A. No.</p> <p>20 Q. Okay.</p> <p>21 A. Just, you know, Shannon reiterated to</p> <p>22 me or I reiterated to Shannon we have to go up</p> <p>23 there and meet Barnes.</p> <p>24 Q. Okay. And what do you recall being</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
169-172

<p style="text-align: right;">Page 169</p> <p>1 said by all of the participants in that 2 meeting? 3 A. At that point, we had a closed-door 4 meeting. 5 Q. Okay. To the best you can recall from 6 the start of the meeting until the end of the 7 meeting, what do you recall being said? 8 A. Do you want to know who was present 9 there first? 10 Q. Sure. 11 A. It was Commander Salemme. 12 Q. Yes. 13 A. Lieutenant Cesario, Sergeant Barnes, my 14 partner Shannon Spalding and myself. 15 Q. Okay. And what do you recall being 16 said or saying yourself in that meeting? 17 A. At first we were presented with some 18 activity, some numbers for activity and we were 19 questioned, what do you think of this activity. 20 Q. And did Lieutenant Cesario present you 21 with that? 22 A. Yes. 23 Q. And by activity, it meant your -- 24 A. Arrest.</p>	<p style="text-align: right;">Page 171</p> <p>1 Q. Sure, sure. 2 But you didn't have a sense that those 3 numbers were incorrect, you were just concerned 4 about -- 5 A. I don't know what I had a sense of the 6 number, because there was nothing to compare it 7 to. You know, maybe we were leading the team, I 8 don't know. 9 Q. Right. But when you looked at the 10 arrest activity, you didn't think that it was 11 incorrect, you just didn't -- you wanted to know 12 who it was being compared to, right? 13 A. Correct. 14 Q. Okay. 15 A. I mean, if you're going to talk about 16 activity, tell me what you're comparing it to. 17 Q. Okay. And what happened next in the 18 meeting? 19 A. The meeting went south after that. 20 Q. Okay. 21 A. He said, well, you know, he goes -- he 22 asked us about our involvement with IAD. 23 Q. Okay. 24 A. That's how I guess he started it. He</p>
<p style="text-align: right;">Page 170</p> <p>1 Q. -- arrest activity, correct? 2 A. Yes. 3 Q. And did he have a document with him? 4 A. Yeah. He provided like a printout with 5 Shannon's name on it, my name on it. He asked, 6 what did I think of that, of that activity. And 7 I asked him, what are you comparing -- who are 8 you comparing it to. I mean, it's just me and 9 her name. I mean, are you comparing it to 10 Robert Walker, are you comparing it to other 11 people in the unit? What are you comparing it 12 to? He said, what difference does it make, I'm 13 presenting it to you. And then I -- 14 Q. Okay. Do you recall whether you 15 actually looked at the activity? 16 A. Yeah, I looked at it. Because I was -- 17 I can't tell you what the numbers were on it, 18 but it was just Shannon and my name. What are 19 you comparing it to? What other officer are you 20 comparing it to? 21 Q. Right. 22 A. Our numbers are going to reflect 23 basically the same because we both work 24 together.</p>	<p style="text-align: right;">Page 172</p> <p>1 said -- he said, why don't you tell me about IAD 2 and your involvement with it. 3 Q. And that was Lieutenant Cesario? 4 A. Yeah. 5 Q. Okay. 6 A. And then Commander Salemme pretty much 7 echoed it, as well. Yeah, why don't you tell us 8 about that. 9 Q. Okay. And did you or Officer Spalding 10 respond? 11 A. I responded and I said, well, what 12 about it. He said, have you ever been assigned 13 to IAD. 14 Q. Okay. And, again, this is Lieutenant 15 Cesario? 16 A. Lieutenant Cesario. 17 Q. Okay. And what was said after that? 18 A. And then I said, no, we've never been 19 assigned to IAD. 20 Q. Okay. 21 A. Which is true. 22 Q. What do you recall else being said? 23 A. Then he said -- he said, well -- and 24 along with Barnes, you know, they all had</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
173-176

<p style="text-align: right;">Page 173</p> <p>1 something to say. He said, you know, he goes, 2 are you sure about that? He goes, because this 3 is what happens when you work against other 4 officers. 5 Q. Lieutenant Cesario said that? 6 A. Yes, followed by Barnes, followed by 7 Salemme. 8 Q. Okay. 9 A. They all had something to say. 10 Q. Okay. Lieutenant Cesario said, this is 11 what happens when what? 12 A. You work against other officers. 13 Q. Okay. And is it your testimony that 14 Barnes and Salemme said the exact same thing? 15 A. Yeah, they would echo. 16 Q. So your testimony is they said the 17 exact same thing that Lieutenant Cesario said? 18 A. Yes. They would echo. They all had 19 something to say. 20 Q. Okay. 21 A. Then I said, well, what are you talking 22 about? He goes, you know, you brought this 23 baggage with you. 24 Q. Again, this is Lieutenant Cesario?</p>	<p style="text-align: right;">Page 175</p> <p>1 each other's statements up. 2 Q. Okay. 3 A. He said, maybe he can help you better 4 manage your baggage since he came from IAD 5 himself. 6 Q. Referring to Sergeant Mills? 7 A. Yes. 8 Q. Okay. 9 A. And you're lucky you're still in this 10 unit for now. 11 Q. Lieutenant Cesario said this? 12 A. Yes. 13 Q. Okay. Do you recall anything else 14 being said in that meeting? 15 A. Basically that was it. That was the 16 summary of it. 17 Q. Okay. I'll take a summary, if that's 18 the most you've got. 19 A. I mean, it's so many -- 20 Q. Do you recall anything else -- 21 A. There's so many -- 22 Q. -- specifically being said? 23 A. I mean, there's so many things that's 24 happened from point A to that point --</p>
<p style="text-align: right;">Page 174</p> <p>1 A. Yes. You brought this baggage with 2 you. He said, you will never be deputized. 3 Q. Okay. 4 A. You will never have a take-home car, 5 you will never work days, with his finger, as 6 long as I'm in command here. 7 Q. Okay. 8 A. And I said, well, why is that? He 9 goes, like I said, you brought this baggage with 10 you. This is what happens when you work against 11 other officers. 12 Q. Okay. Do you remember anything else 13 said in that meeting? 14 A. We got removed. Basically we got 15 removed from the day team. 16 Q. They told you you were going to a night 17 team? 18 A. Yes. 19 Q. Did they tell you with Sergeant Mills? 20 A. Yes, with Sergeant Mills. And then -- 21 you know, it's hard to say who said what. 22 Q. Sure. 23 A. But I know Cesario said a lot, Salemme 24 said a lot, as well. I mean, they all backed</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. I understand. 2 A. -- and so many comments. You know, it 3 was a stressful -- 4 Q. I understand. I'm just asking if you 5 specifically recall anything else being said at 6 the meeting. 7 A. If I can recall something else, I'll 8 let you know. But that's the best of my 9 knowledge, what I can recall at this time. 10 Q. Okay. Do you recall in that meeting 11 some discussion about the subject that Officer 12 Spalding's boyfriend, Anthony Hernandez, had 13 confronted Sergeant Barnes? 14 A. I don't remember if that was touched 15 when I was there or if it was touched lightly. 16 Q. Okay. 17 A. But then again, you know, I had no part 18 of that. 19 Q. Okay. 20 A. And if that's what happened, I think 21 Barnes should address that with Officer 22 Hernandez. 23 Q. All right. I'm just asking you if you 24 recall that being discussed in the meeting.</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
177-180

<p style="text-align: right;">Page 177</p> <p>1 A. It may have, to the best of my 2 knowledge. I can't tell you with a fine-toothed 3 comb the details of that, either. 4 Q. Okay. Let's put the -- 5 A. At the time being. 6 Q. Let's put the details aside for the 7 moment. 8 A. All right, sure. 9 Q. In the meeting, do you remember the 10 subject of Spalding's boyfriend, Anthony 11 Hernandez, having had a confrontation or a 12 conversation with Sergeant Barnes? 13 A. I think it may have been touched, yes. 14 Q. Okay. Was there a part of the meeting 15 where only Officer Spalding was present and you 16 weren't present or were the both of you present 17 for the entire meeting? 18 A. We were both present for most of it, 19 but then, you know, there was times where -- 20 there was a time where I think Shannon Spalding 21 may have spoken to Barnes in reference to that. 22 Q. Inside the same meeting? 23 A. I can't recall. 24 Q. Okay. What do you recall being</p>	<p style="text-align: right;">Page 179</p> <p>1 Q. And they needed officers to fill that 2 shift, correct? 3 A. That's correct. 4 Q. Okay. 5 A. People applied for it. 6 Q. And people applied for it? 7 A. Yeah. 8 Q. And at that time when you were moved to 9 the third watch, you and Officer Spalding had 10 not been in Fugitive Apprehension that long, 11 correct? 12 A. We were there since March, I want to 13 say. 14 Q. Okay. 15 A. And that took in effect, I don't know, 16 June. I can't tell you. 17 Q. So you were there two, three months, 18 approximately? 19 A. It could be more, it could be less. 20 Q. Okay. 21 A. I can't tell you exactly. 22 Q. Okay. And are you aware of any other 23 officers that were moved from the second watch 24 to the third watch?</p>
<p style="text-align: right;">Page 178</p> <p>1 referenced in the meeting about the 2 confrontation between Anthony Hernandez and 3 Barnes? 4 A. It didn't sound like a confrontation to 5 me, but I can't tell you with exact. 6 Q. Okay. You don't recall what that 7 discussion was? 8 A. Not at this time. Maybe later I might 9 remember, but not at this time. 10 Q. Okay. Do you have a recollection that 11 that was at least part of the reason that you 12 were being told you were taken off of Barnes' 13 team? 14 A. No. 15 Q. Okay. 16 A. That we were simply moved because of 17 the IAD thing. 18 Q. Okay. 19 A. To better handle our -- manage our 20 baggage, as they stated. 21 Q. And when you were moved to nights, 22 Fugitive Apprehension was actually starting a 23 new night shift, correct? 24 A. Yes.</p>	<p style="text-align: right;">Page 180</p> <p>1 A. Not to the best of my knowledge, no, 2 I'm not. 3 Q. There may have been, but you don't 4 know? 5 A. Correct. 6 Q. And the third watch was a North Side 7 team, correct? 8 A. I wouldn't call it a North Side, I'd 9 call it an Area North team. 10 Q. Okay, thank you. Area North. 11 A. Because Area North doesn't just deal 12 with the North Side, it has some South Side in 13 it. 14 Q. Okay. 15 A. So I wouldn't say just North Side. 16 Q. So what areas would you work under 17 Sergeant Mills in terms of Area North? What 18 would that encompass? 19 A. It would encompass some South Side 20 districts and addresses. 21 Q. Okay. 22 A. As well as some West Side addresses. I 23 don't think I ever went far north into any 24 decent neighborhood.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
181-184

<p style="text-align: right;">Page 181</p> <p>1 Q. Okay.</p> <p>2 A. It's pretty much still the West Side.</p> <p>3 Pretty active districts.</p> <p>4 Q. Okay. But you -- it's fair to say you</p> <p>5 did some work on the North Side, also?</p> <p>6 A. What do you consider North Side? North</p> <p>7 of Madison? Sure, we did some stuff north of</p> <p>8 Madison.</p> <p>9 Q. Okay.</p> <p>10 A. We didn't do nothing like in Evanston</p> <p>11 or 24th District.</p> <p>12 Q. Okay.</p> <p>13 A. Nothing desirable. I mean, people say</p> <p>14 North Side, oh, you're going to the glamorous</p> <p>15 North Side. Nothing -- anything south of --</p> <p>16 north of Madison is rough.</p> <p>17 Q. So prior to the move to Sergeant Mills'</p> <p>18 team, on Sergeant Barnes' team, you were working</p> <p>19 South and West Side, correct?</p> <p>20 A. South? Not so much southwest, but</p> <p>21 southeast.</p> <p>22 Q. Okay.</p> <p>23 A. But then again, anything West of State</p> <p>24 would be West.</p>	<p style="text-align: right;">Page 183</p> <p>1 essentially the same job, correct?</p> <p>2 A. Yes and no.</p> <p>3 Q. Okay. The yes part I get. How is it</p> <p>4 not essentially the same job other than those</p> <p>5 things?</p> <p>6 A. The same job about it as far as locking</p> <p>7 people up. It's all about locking people up in</p> <p>8 Fugitive Apprehension. The crimes were</p> <p>9 different.</p> <p>10 Q. Okay.</p> <p>11 A. You would get better cases, better like</p> <p>12 cases working that task force team, Barnes' team</p> <p>13 as opposed to Mills' team, turnstile jumping,</p> <p>14 dead-end cases, people that were deceased</p> <p>15 assigned to you. You know, I mean, ridiculous.</p> <p>16 Q. Okay. You felt like you got better</p> <p>17 cases under Barnes than Mills?</p> <p>18 A. Absolutely.</p> <p>19 Q. Okay. Would you say you got safer</p> <p>20 cases under Mills than Barnes?</p> <p>21 A. No.</p> <p>22 Q. Okay.</p> <p>23 A. The area that you got is still violent.</p> <p>24 Q. Okay. So the turn --</p>
<p style="text-align: right;">Page 182</p> <p>1 Q. Sure, sure.</p> <p>2 A. However you want to interpret it.</p> <p>3 Q. Sure. Is it your point that you were</p> <p>4 working largely in the same areas when you were</p> <p>5 under Barnes and Mills?</p> <p>6 A. What do you mean, Barnes and Mills?</p> <p>7 Q. Yes.</p> <p>8 A. Different areas.</p> <p>9 Q. Okay.</p> <p>10 A. They didn't overlap.</p> <p>11 Q. Okay.</p> <p>12 A. At least I didn't get any overlap in</p> <p>13 addresses.</p> <p>14 Q. Okay. Other than the fact that when</p> <p>15 you were working for Sergeant Mills, you were</p> <p>16 working a different area than you were working</p> <p>17 with Barnes --</p> <p>18 A. That's fair.</p> <p>19 Q. -- and you had different hours?</p> <p>20 A. That's fair to say.</p> <p>21 Q. And you had different days off. Did</p> <p>22 you have different days off?</p> <p>23 A. That's fair to say, as well.</p> <p>24 Q. Okay. Other than those things, it was</p>	<p style="text-align: right;">Page 184</p> <p>1 A. Hostile.</p> <p>2 Q. So the turnstile jumpers and the like</p> <p>3 were just as violent as the fugitives you were</p> <p>4 apprehending?</p> <p>5 A. No. The area is just as violent.</p> <p>6 Q. Okay. Any other way that the jobs were</p> <p>7 different, other than what you've already</p> <p>8 testified to?</p> <p>9 A. I can't tell you.</p> <p>10 Q. Is that a no?</p> <p>11 A. It's subject to interpretation. I</p> <p>12 mean --</p> <p>13 Q. Okay.</p> <p>14 A. It's all violent. Everybody in the</p> <p>15 street can be violent.</p> <p>16 Q. Sure. I agree with you there.</p> <p>17 A. I mean, they've got sons of policemen</p> <p>18 killing people.</p> <p>19 Q. Do you have an understanding or have</p> <p>20 you had an understanding at any point since</p> <p>21 you've been in Fugitive Apprehension what the</p> <p>22 process was to get deputized for a U.S. Marshal</p> <p>23 task force?</p> <p>24 A. Different versions of it.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
185-188

<p style="text-align: right;">Page 185</p> <p>1 Q. Okay.</p> <p>2 A. But no exact version of it.</p> <p>3 Q. Okay. So you've heard from people</p> <p>4 different versions of it?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 A. Some people say it's the sergeant that</p> <p>8 has to put you in, some people say it doesn't</p> <p>9 work like that, some people say based on</p> <p>10 seniority, some people say it's based on time in</p> <p>11 the unit. I mean, different versions of it.</p> <p>12 Q. Okay.</p> <p>13 A. But no one has presented me a black and</p> <p>14 white and said, this is the way it works, this</p> <p>15 is protocol.</p> <p>16 Q. Okay. Has anyone at the sergeant level</p> <p>17 or above ever explained to you what the process</p> <p>18 or procedure is for getting deputized?</p> <p>19 A. It depends on who you ask.</p> <p>20 Q. I'm asking you about whether any</p> <p>21 lieutenant or higher ranking -- I'm sorry, a</p> <p>22 sergeant or a higher ranking officer has told</p> <p>23 you, Officer Echeverria, what the process is for</p> <p>24 getting deputized for a U.S. Marshal status.</p>	<p style="text-align: right;">Page 187</p> <p>1 Q. And was that just the Area North team</p> <p>2 reported there or everyone reported there?</p> <p>3 A. Area North reports there.</p> <p>4 Q. Okay.</p> <p>5 A. From time to time you see some</p> <p>6 personnel that do come in there from other</p> <p>7 areas.</p> <p>8 Q. Okay. And would you have to report</p> <p>9 there at the beginning of your shift and at the</p> <p>10 end or how did that work --</p> <p>11 A. Yeah, yes.</p> <p>12 Q. -- when you were working for Sergeant</p> <p>13 Mills?</p> <p>14 A. Yeah, we'd start there.</p> <p>15 Q. Okay. And that was true for everybody</p> <p>16 that was on Sergeant Mills' team, correct?</p> <p>17 A. No.</p> <p>18 Q. Okay. Who was it true for and who was</p> <p>19 it not true for?</p> <p>20 A. It was true for me and Shannon and it's</p> <p>21 not true for some people who get dismissed from</p> <p>22 the field.</p> <p>23 Q. Okay.</p> <p>24 A. Except for me and Shannon. We would</p>
<p style="text-align: right;">Page 186</p> <p>1 A. Nobody has told me the process of it,</p> <p>2 they told me I wouldn't get it, ever. I'll tell</p> <p>3 you that for sure. But to answer your question</p> <p>4 for sure, I can't tell you.</p> <p>5 Q. Okay.</p> <p>6 A. Me or my partner would ever -- never</p> <p>7 get it.</p> <p>8 Q. Okay. I've got that one.</p> <p>9 A. Okay.</p> <p>10 Q. When you were on Sergeant Mills'</p> <p>11 team --</p> <p>12 A. Yes.</p> <p>13 Q. -- the Area North, where did you</p> <p>14 report?</p> <p>15 A. At that point the Fugitive Apprehension</p> <p>16 unit moved out of Homan Square so they were no</p> <p>17 longer at Fillmore. They were at 3151 Harrison.</p> <p>18 Q. Okay.</p> <p>19 A. Up in the old -- they had converted the</p> <p>20 Detective Division there to encompass Fugitive,</p> <p>21 Financial Crime, Bomb and Arson.</p> <p>22 Q. Okay.</p> <p>23 A. So they used that whole second floor,</p> <p>24 pretty much.</p>	<p style="text-align: right;">Page 188</p> <p>1 have to arrive at the area and dismissed at the</p> <p>2 area.</p> <p>3 Q. Okay. So you're saying that at certain</p> <p>4 times, certain individuals under Sergeant Mills</p> <p>5 would be dismissed from field and you and</p> <p>6 Shannon Spalding were never dismissed from the</p> <p>7 field. Is that your testimony?</p> <p>8 A. Yes.</p> <p>9 Q. Aside from those times when individuals</p> <p>10 were dismissed from the field, was it generally</p> <p>11 the case where everyone on Sergeant Mills' team</p> <p>12 was -- had to come back to the unit to be</p> <p>13 dismissed?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Do you have any recollection of</p> <p>16 who ever got dismissed from the field?</p> <p>17 A. Yeah.</p> <p>18 Q. What officers were dismissed from the</p> <p>19 field?</p> <p>20 A. Other team members on Sergeant Mills'</p> <p>21 team, some people from VRI when we worked --</p> <p>22 when we were allowed to work VRI, they got</p> <p>23 dismissed from the South Side.</p> <p>24 Q. Okay.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
189-192

<p style="text-align: right;">Page 189</p> <p>1 A. But we had to come in to be dismissed.</p> <p>2 Q. Did you ever have a conversation with</p> <p>3 Sergeant Mills about that subject, why you had</p> <p>4 to come in rather than being dismissed from the</p> <p>5 field?</p> <p>6 A. Yeah.</p> <p>7 Q. And what do you recall about that</p> <p>8 conversation?</p> <p>9 A. He'd spin you.</p> <p>10 Q. What do you recall him saying in that</p> <p>11 conversation?</p> <p>12 A. He's the sergeant.</p> <p>13 Q. He'd say, I'm the sergeant?</p> <p>14 A. He really wouldn't answer you directly.</p> <p>15 Q. Okay. Do you recall your first</p> <p>16 meeting, you and Officer Spalding, with Sergeant</p> <p>17 Mills when you were assigned to his unit?</p> <p>18 A. We had a few meetings with Sergeant</p> <p>19 Mills.</p> <p>20 Q. Do you remember the first time meeting</p> <p>21 him?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And do you recall a conversation</p> <p>24 with him and Officer Spalding present?</p>	<p style="text-align: right;">Page 191</p> <p>1 to speak with Mills. He said, talk to him</p> <p>2 before they brainwash him. We'll see where his</p> <p>3 loyalty is. I made him sergeant.</p> <p>4 Q. Okay.</p> <p>5 A. We were in the Marine Corps together.</p> <p>6 Q. Okay.</p> <p>7 A. So he made me believe that they knew</p> <p>8 each other from before the job.</p> <p>9 Q. Okay. And I believe your partner,</p> <p>10 Officer Spalding, testified the other day that</p> <p>11 any alleged retaliation by Sergeant Mills didn't</p> <p>12 start until after the two of you filed your</p> <p>13 lawsuit; is that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Okay.</p> <p>16 A. That's also when the dismissal thing</p> <p>17 changed, too.</p> <p>18 Q. Okay.</p> <p>19 A. You know, the having to come in the</p> <p>20 unit and other people didn't have to come in the</p> <p>21 unit.</p> <p>22 Q. Okay, all right. Let's talk about</p> <p>23 that.</p> <p>24 A. All right.</p>
<p style="text-align: right;">Page 190</p> <p>1 A. Yes.</p> <p>2 Q. What do you recall about that</p> <p>3 conversation?</p> <p>4 A. One of the meetings is we had talked to</p> <p>5 him about what we did, where we came from in</p> <p>6 reference to Brass Tax.</p> <p>7 Q. Sure.</p> <p>8 A. We had expressed -- we had told him</p> <p>9 what -- the meeting we had with Sergeant Barnes,</p> <p>10 Salemme, Cesario; we told him we were being</p> <p>11 moved, why we were moved or how we ended up on</p> <p>12 this team. He said, good to know. He said,</p> <p>13 he's going to be observing. And then we had</p> <p>14 other meetings where he acknowledged the</p> <p>15 differential treatment, stuff like that.</p> <p>16 Q. All right. In that first meeting with</p> <p>17 Sergeant Mills, did he indicate that he had</p> <p>18 previously been in IAD?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Did he tell you that he had</p> <p>21 previously worked for --</p> <p>22 A. Juan Rivera.</p> <p>23 Q. -- Chief Rivera?</p> <p>24 A. Yeah. Juan Rivera also instructed us</p>	<p style="text-align: right;">Page 192</p> <p>1 Q. Other than the fact that the two of</p> <p>2 you, you say, were never dismissed from the</p> <p>3 field, what other retaliation did --</p> <p>4 A. After the lawsuit?</p> <p>5 Q. -- Sergeant Mills engage in after the</p> <p>6 lawsuit was filed?</p> <p>7 A. After the lawsuit?</p> <p>8 Well, there was differential treatment</p> <p>9 at that moment on and I can understand why. I</p> <p>10 mean, they were friends. They all were friends.</p> <p>11 I mean, they all had worked together for a long</p> <p>12 time. Mills had expressed that himself.</p> <p>13 Q. Okay.</p> <p>14 A. He had worked for Salemme in the past,</p> <p>15 that's why he's there now.</p> <p>16 Q. Okay.</p> <p>17 A. He has worked with Cesario, as well.</p> <p>18 Q. Sure.</p> <p>19 A. He elaborated about Juan Rivera in the</p> <p>20 Marine Corps. and things of that effect.</p> <p>21 Q. Okay. Other than the issue of being</p> <p>22 not dismissed from the field, is there anything</p> <p>23 else that Sergeant Mills said or did that you</p> <p>24 are alleging was retaliation for --</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
193-196

<p style="text-align: right;">Page 193</p> <p>1 A. Yeah. He would say something along the</p> <p>2 lines of -- well, I can remember one meeting, to</p> <p>3 be specific, one of many incidents. There was</p> <p>4 an incident where he kept us past quitting time</p> <p>5 like an hour, hour and a half and all he did was</p> <p>6 reference the lawsuit. How it would be like for</p> <p>7 us if we were to lose, did you ever think about</p> <p>8 that.</p> <p>9 Q. Okay.</p> <p>10 A. You know, how do you think the</p> <p>11 department is going to, you know, handle that</p> <p>12 and the people you work with, how do you think</p> <p>13 that's going to go for you. It was comments</p> <p>14 like that.</p> <p>15 Q. Okay.</p> <p>16 A. There was a comment about --</p> <p>17 Q. Let me just ask you.</p> <p>18 A. Okay.</p> <p>19 Q. Was there a reason he was keeping you</p> <p>20 past quitting time? I understand you're saying</p> <p>21 what he said, but was there some work related</p> <p>22 reason that he was keeping you?</p> <p>23 A. You know, it depends. I think he kept</p> <p>24 me just to keep us. I mean, he talked a lot of</p>	<p style="text-align: right;">Page 195</p> <p>1 pounding into us. And I had told him, well,</p> <p>2 other officers do it. And I was specific. I</p> <p>3 said, Joseph Lopez does it.</p> <p>4 Q. Okay.</p> <p>5 A. And that infuriated him. He said, how</p> <p>6 dare you bring Joseph Lopez into this. I said,</p> <p>7 how can I? I mean, he does it. He did it</p> <p>8 today.</p> <p>9 Q. Okay.</p> <p>10 A. And I said, well, what do you want me</p> <p>11 to do? This is a warrant arrest. You let her</p> <p>12 fucking go, that's what you do. If it's not on</p> <p>13 the list, you let her fucking go. So you want</p> <p>14 me to let go, I told him, a person that has a</p> <p>15 warrant, a court issued from a judge warrant,</p> <p>16 let go? So disobey a court warrant?</p> <p>17 Q. And what did he say?</p> <p>18 A. He said, yes, that's what I'm telling</p> <p>19 you.</p> <p>20 Q. Okay. And we'll talk a little bit more</p> <p>21 about that. That was a situation where you</p> <p>22 arrested an individual in the 11th District?</p> <p>23 A. And it was in the 11th District.</p> <p>24 Q. It was not on your list, correct?</p>
<p style="text-align: right;">Page 194</p> <p>1 nonsense.</p> <p>2 Q. Do you recall any work related reason?</p> <p>3 A. Yes. I'll get into it.</p> <p>4 Q. Okay.</p> <p>5 A. There was a question about a warrant</p> <p>6 arrest that I had.</p> <p>7 Q. Okay.</p> <p>8 A. I had received a phone call and it was</p> <p>9 a warrant arrest where I was to pick up -- the</p> <p>10 mother was giving up the daughter, is what it</p> <p>11 was, and she had information where the daughter</p> <p>12 was going to be. And it was during the VRI, the</p> <p>13 Violence Reduction Initiative. And you would</p> <p>14 have to work off of a warrant list.</p> <p>15 Q. Okay.</p> <p>16 A. But there was also cases that you were</p> <p>17 allowed to work, like if it was a case of yours,</p> <p>18 you can work that case, as well, on the VRI.</p> <p>19 Q. Okay.</p> <p>20 A. And I had locked up this girl that was</p> <p>21 not on the VRI list but was a case of mine.</p> <p>22 Q. All right. This was a --</p> <p>23 A. And he was upset about that and that's</p> <p>24 what he kept pondering over about and kept on</p>	<p style="text-align: right;">Page 196</p> <p>1 A. Correct.</p> <p>2 Q. Okay.</p> <p>3 A. I think that day we were supposed to</p> <p>4 focus on some South Side areas.</p> <p>5 Q. Okay.</p> <p>6 (Whereupon, Echeverria</p> <p>7 Deposition Exhibit No. 7 was</p> <p>8 marked for identification.)</p> <p>9 BY MR. KING:</p> <p>10 Q. Officer Echeverria, I'm showing you a</p> <p>11 document that's been marked as Deposition</p> <p>12 Exhibit No. 7.</p> <p>13 A. Okay.</p> <p>14 Q. And I'm going to take you back to the</p> <p>15 meeting that you previously testified to with</p> <p>16 Cesario and others where you were told you were</p> <p>17 moving to Mills' team.</p> <p>18 Do you recall if this report was the</p> <p>19 activity report that Lieutenant Cesario had in</p> <p>20 that meeting?</p> <p>21 A. I've never seen the front page in my</p> <p>22 life.</p> <p>23 Q. Okay. What about the second page?</p> <p>24 A. The second page looks similar, but I</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
197-200

<p style="text-align: right;">Page 197</p> <p>1 can't say this was what was presented to me.</p> <p>2 Q. Okay.</p> <p>3 A. I don't think it had the breakdown of</p> <p>4 this.</p> <p>5 Q. Okay.</p> <p>6 A. But it looks familiar, but I can't say</p> <p>7 this is what exactly he presented to me.</p> <p>8 Q. Okay. Well, but it purports, anyway,</p> <p>9 to be a listing of arrest activity from</p> <p>10 March 22, 2012 to June 21, 2012 for you. As you</p> <p>11 sit here --</p> <p>12 A. Okay. Pretty much --</p> <p>13 Q. -- are you able to say whether this is</p> <p>14 accurate or not?</p> <p>15 A. I can't tell you.</p> <p>16 Q. Okay.</p> <p>17 A. Because I can't tell you if this is an</p> <p>18 exact document that he presented to me. I'll</p> <p>19 tell you what, this document was never made</p> <p>20 available to me. I'll tell you that.</p> <p>21 Q. The first page of it?</p> <p>22 A. Right. I'll tell you that 100.</p> <p>23 Q. But the second page may have been, but</p> <p>24 you're not positive?</p>	<p style="text-align: right;">Page 199</p> <p>1 this --</p> <p>2 Q. Okay.</p> <p>3 A. -- in my work experience.</p> <p>4 Q. It indicates anyway that it's your</p> <p>5 Activity Report for -- if you go from the</p> <p>6 beginning to the end, it's 6/20/2012 through</p> <p>7 4/30/2013.</p> <p>8 A. Yes.</p> <p>9 Q. As you sit here now, are you able to</p> <p>10 say whether this is an accurate reflection of</p> <p>11 your activity?</p> <p>12 A. It could be.</p> <p>13 Q. Okay.</p> <p>14 A. But then again, we don't write traffic</p> <p>15 citations, driver cards. We don't do any of</p> <p>16 that in Fugitives.</p> <p>17 Q. Okay.</p> <p>18 A. We strictly do arrests, or assist</p> <p>19 arrests. We don't do case reports, we don't do</p> <p>20 search warrants. That's why the zeros are</p> <p>21 there.</p> <p>22 Q. That's why the zeros are there?</p> <p>23 A. Yeah. That's not a Fugitive thing.</p> <p>24 Q. As far as you know, you don't have any</p>
<p style="text-align: right;">Page 198</p> <p>1 A. I can't say that with certainty.</p> <p>2 Q. Okay.</p> <p>3 A. It doesn't look --</p> <p>4 Q. Okay. Whether this document, Page 1 or</p> <p>5 Page 2, whether or not that was presented to you</p> <p>6 in the meeting, as you sit here now, can you say</p> <p>7 whether this arrest activity between March 22,</p> <p>8 2012 and June 21, 2012 is accurate or not?</p> <p>9 A. I can't say.</p> <p>10 Q. Okay.</p> <p>11 (Whereupon, Echeverria</p> <p>12 Deposition Exhibit No. 8 was</p> <p>13 marked for identification.)</p> <p>14 BY MR. KING:</p> <p>15 Q. Officer Echeverria, I'm showing you</p> <p>16 another document that's been marked Deposition</p> <p>17 Exhibit No. 8, which -- let me know if you've</p> <p>18 ever seen this Activity Report or Activity</p> <p>19 Reports like this.</p> <p>20 A. Do you want me to just look at the</p> <p>21 front page or do you want me to look at the</p> <p>22 whole thing?</p> <p>23 Q. You can look at the whole thing.</p> <p>24 A. Okay. I may have seen something like</p>	<p style="text-align: right;">Page 200</p> <p>1 reason to say that this is inaccurate?</p> <p>2 A. Unless it's been altered, no.</p> <p>3 Q. Okay.</p> <p>4 (Whereupon, Echeverria</p> <p>5 Deposition Exhibit No. 9 was</p> <p>6 marked for identification.)</p> <p>7 BY MR. KING:</p> <p>8 Q. Officer Echeverria, I'm showing you</p> <p>9 another document that indicates, anyway, it's</p> <p>10 your Arrest Listing for the calendar year of</p> <p>11 2013. Do you think you've seen this document</p> <p>12 before?</p> <p>13 A. I haven't seen this, but I have seen a</p> <p>14 format similar to this.</p> <p>15 Q. Okay. As you sit here now --</p> <p>16 A. I haven't seen a graph like this ever</p> <p>17 printed before.</p> <p>18 Q. Okay.</p> <p>19 A. I haven't seen this type of spreadsheet</p> <p>20 printed before like this. I've seen something</p> <p>21 along these lines but.</p> <p>22 Q. As you sit here now, do you have any</p> <p>23 reason to believe this doesn't accurately</p> <p>24 reflect your arrest activity in 2013?</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
201-204

<p style="text-align: right;">Page 201</p> <p>1 A. It could or could not be. Because I 2 don't know if they're taking an incorporation of 3 my leave of absence, as well, my medical role. 4 So if they're incorporating that time where I 5 was gone for like seven, eight months, 6 thereabouts, then it would be inaccurate because 7 the dates. 8 Q. I see. 9 A. Do you see what I'm saying? Because 10 then the activity would be rendered. 11 Q. So it could accurately reflect your 12 actual arrest activity in 2013, but obviously 13 you wouldn't have any activity when you're out 14 on medical leave? 15 A. That's correct. And that would be the 16 same for this. 17 Q. Exhibit -- 18 A. 8. 19 Q. -- 8? 20 A. Correct. 21 Q. Sure. Thanks. 22 (Whereupon, Echeverria 23 Deposition Exhibit No. 10 was 24 marked for identification.)</p>	<p style="text-align: right;">Page 203</p> <p>1 Q. Okay. 2 A. So I don't know when this was created. 3 Q. Okay. And you believe Portfolio 4 Reports like this would show up in your 5 portfolio and you could view them? 6 A. Yes. 7 Q. Okay. 8 A. And I would question Page 2 of this, as 9 well. 10 Q. Okay. 11 A. The involved failed to make any arrests 12 for the last -- for March 19th through 23rd. 13 Does that incorporate my days off or it doesn't 14 and who are you comparing it to? Are you 15 comparing it to Joe Lopez, other team members? 16 Did they get this too in their Portfolio? 17 Because not everybody makes arrests every day. 18 Q. I understand that. 19 A. It's just not like that. It's the luck 20 of the draw. 21 Q. Let me ask you some questions about 22 these. 23 A. Sure. 24 Q. The first page of Exhibit 10 is the</p>
<p style="text-align: right;">Page 202</p> <p>1 BY MR. KING: 2 Q. Officer Echeverria, I'm showing you -- 3 A. Yes. 4 Q. -- another document that's been 5 marked -- 6 A. Make room for this. 7 Q. -- Deposition Exhibit No. 10 and ask 8 you to take a look at that. It's a few pages of 9 what's called Portfolio Reports. Just let me 10 know if you've ever seen any or all of these 11 pages. 12 A. You know what, this is the first time 13 I'm seeing this. Because when I went to work, I 14 checked my portfolio and I didn't see any of 15 these comments in there. So I don't know when 16 these were generated. 17 Q. Okay. And what does that mean? How do 18 you check your portfolio? 19 A. You log into the Clear system, you can 20 check your portfolio. 21 Q. Okay. 22 A. So I've never seen this in my portfolio 23 until today. The last time I checked was maybe 24 sometime last week.</p>	<p style="text-align: right;">Page 204</p> <p>1 incident you previously testified to where you 2 made an arrest in the 11th District when you 3 were assigned to other districts, correct? 4 A. Yeah, that's probably it. 5 Q. Okay. The second page you were just 6 talking about, it indicates that you failed to 7 make any arrests between March 19 and March 23. 8 As you sit here, you don't know whether that's 9 correct or incorrect? 10 A. Correct. 11 Q. Okay. And then the third page 12 indicates that you had lower arrest numbers for 13 the time period January 1 through February 1. 14 You worked 15 days and only had 2 arrests. As 15 you sit here, do you know whether that's true or 16 not? 17 A. I don't know if that's true. 18 Q. Okay. 19 A. I'd like to comment on this, though. I 20 find this very interesting. I remember a 21 conversation with Mills, and I believe Shannon 22 Spalding, my partner, was present where he 23 expressed concern about the two detectives 24 assigned to the unit on the team that hadn't</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
205-208

<p style="text-align: right;">Page 205</p> <p>1 made an arrest from day one. And we had already 2 been in the unit for quite sometime. So I'd 3 like to know if they have that in their 4 Portfolio. 5 Q. Okay. And who were those individuals? 6 A. It was Detective Zanos (phonetic) and 7 Detective Becker. I'd like to know what their 8 Portfolio looked like since Mills told us they 9 hadn't made an arrest and he was concerned about 10 that, being detectives and all. 11 Q. Okay. Were they, Zanos and Becker, on 12 your team? 13 A. Yeah. They reported directly for 14 Mills. So I'd like to see that. That would be 15 interesting to see. 16 Q. The next page of Exhibit 10. 17 A. Oh, we're not done. I'm sorry. What 18 page are we talking about now? 19 Q. This would be the last page of the 20 exhibit. It's a report dated March 20, 2013. 21 A. Okay. 22 Q. It indicates that Mills spoke with you 23 on the 19th of March about spending excessive 24 time in the unit. It indicates that Sergeant</p>	<p style="text-align: right;">Page 207</p> <p>1 A. I can't recall that. I can't recall 2 specific dates like that. 3 Q. Okay. So that may be true, you don't 4 know? 5 A. I don't know. I know he used to tell 6 us, make sure you work these cases up. So if we 7 did stay in the unit, it was because we were 8 working these cases. It wasn't like we were 9 playing poker. There is some administrative 10 stuff you need to do before you lock somebody 11 up. You can't just shoot in the dark. 12 Q. That makes sense. 13 A. Again, I checked my Portfolio last week 14 and I didn't see that, so I'd like to know when 15 that was generated since I -- I didn't see it. 16 I'd like to know if Becker and Zanos 17 were told the same thing or what their portfolio 18 reflects, since they hadn't locked anybody up, 19 according to Mills. And I can vouch for that. 20 Q. I know counsel doesn't like me to say 21 this, but I move to strike the last statements 22 as not only being nonresponsive to the question, 23 there was no question. 24 A. All right.</p>
<p style="text-align: right;">Page 206</p> <p>1 Mills explained that more time should be spent 2 out in the field on assigned cases. 3 Do you remember that conversation with 4 Sergeant Mills? 5 A. Vaguely. 6 Q. Okay. But you at least vaguely recall 7 at least one conversation where he was 8 suggesting that you and Officer Spalding were 9 spending too much time in the office and should 10 spend more time out in the field; is that fair? 11 A. No, because I disagree with him. 12 Q. Okay. But you recall him raising the 13 issue, whether you agree with him or not? 14 A. Vaguely. 15 Q. Okay. And -- 16 A. I'd like to -- 17 Q. He indicates again on the last page -- 18 A. Okay. We're not done yet? I'm sorry. 19 Q. -- on the date in question, that you 20 and your partner, Officer Spalding, didn't leave 21 I guess the headquarters until 1820 and then you 22 returned back at 2130. 23 A. Was that 10:30? Yeah, that's 10:30. 24 Q. Do you recall that that day?</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. Other than what you've already 2 testified to, is there anything else that you're 3 alleging that Sergeant Mills did that was 4 retaliation against you and Officer Spalding? 5 A. Sure. 6 Q. What else? 7 A. What else do you want to know? 8 Q. What else? What else have you got on 9 Mills? 10 A. Get your pen ready. Mills had a 11 conversation up in the parking lot where he 12 addressed Officer Spalding saying that she 13 should wear her vest to and from work. Because 14 if O'Grady can have a pop at her, he would. 15 Q. And you were present for this 16 conversation? 17 A. Yes, I was. 18 Q. Okay. And where did this conversation 19 take place? 20 A. At the 11th District parking lot. I 21 mean, shit, that's -- that's a strong statement. 22 Q. That's a very strong statement. And 23 it's a very serious topic. 24 A. Yes, it is.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
209-212

<p style="text-align: right;">Page 209</p> <p>1 Q. But was Sergeant Mills joking when he 2 said that? 3 A. I don't think that's a joking matter. 4 I wouldn't joke about somebody's life like that. 5 Q. I agree, I agree. So it's your 6 testimony that he said that and he was serious 7 about it? 8 A. Yes, he was. 9 Q. Okay. 10 A. He should take action on that. He 11 should address that, he didn't, to the best of 12 my knowledge. 13 There are other statements that I was 14 present for, then again I wasn't present for. 15 There's a statement where he had mentioned to my 16 partner that my partner reiterated to me. And I 17 was present for part of it -- 18 Q. Sure. 19 A. -- but there's some that I wasn't 20 present for, where Sergeant Mills said -- well, 21 I was present for this one. He said, I don't 22 know why you two are still in this unit. It may 23 have been in that meeting. 24 Q. Okay.</p>	<p style="text-align: right;">Page 211</p> <p>1 A. Another one where I wasn't present but 2 he did tell Shannon, I believe Shannon, because 3 Shannon told me. And he said that along the 4 lines of if either one of us got in a shooting, 5 how do you think it would go for you when you 6 work for the lieutenant who hates you fucking 7 guys. How would that go for you? How do you 8 think that shooting would go for you? 9 Q. Okay. 10 A. I think that's kind of threatening. 11 Q. Okay. 12 A. I think that's inappropriate. I mean, 13 you count on management to do their job and it 14 hasn't been done. 15 Q. Anything else that Officer Mills said 16 or did that you consider retaliation? 17 A. I mean, there's a lot. But at the top 18 of my head, that would be it. If it comes to 19 me, I'll let you know. 20 Q. Okay. 21 A. But for the time being, that's what I 22 recall, the standout points. 23 Q. That's fair enough. 24 Do you recall an incident where you --</p>
<p style="text-align: right;">Page 210</p> <p>1 A. Where he kept us over and we didn't get 2 paid for it and gave the City a good two hours 3 and hour and a half hours of my time when 4 everybody else went home. Where Mills said, I 5 don't know why you two are still in this unit. 6 Q. Okay. 7 A. They don't want you up here. I don't 8 know why you're still up here, and he touched 9 the lawsuit again. 10 Q. Okay. 11 A. That, I was present. That happened at 12 that meeting. 13 Q. That was the meeting that you testified 14 to earlier -- 15 A. Yes. 16 Q. -- where you were sort of held over 17 after regular hours? 18 A. Yes. Not sort of, definitely held 19 over. There's no sort of about it. 20 Q. Okay. 21 A. And then there's the one I was present 22 for as well was the parking lot that I testified 23 earlier. 24 Q. Okay.</p>	<p style="text-align: right;">Page 212</p> <p>1 or a time where you parked your vehicle in the 2 lieutenant's parking space? 3 A. Sure, I recall that. 4 Q. Okay. And you did that deliberately? 5 A. No, I did not. 6 Q. No? Why did you park in the 7 lieutenant's parking spot? 8 A. Because there were no other parking 9 spots. I didn't think it was a crime either, 10 since the lieutenant has four parking spots. 11 Q. Do you have a conversation with the 12 lieutenant about that -- 13 A. No. 14 Q. -- either before or after you -- 15 A. He never addressed me. 16 Q. Did anybody ever address you about 17 parking in the lieutenant's parking? 18 A. Sergeant Mills said. 19 Q. What did he say to you? 20 A. He asked why did I park in the 21 lieutenant's spot. And I said, oh, I sure did. 22 I said, there was no other parking, we were 23 bringing in a prisoner. I had parked there and 24 we had process the prisoner and I forgot to move</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
213-216

<p style="text-align: right;">Page 213</p> <p>1 the car back.</p> <p>2 Q. You didn't say, fuck them?</p> <p>3 A. No, I did not.</p> <p>4 Q. In reference to the lieutenant?</p> <p>5 A. No.</p> <p>6 Q. You didn't say, fuck them, maybe now</p> <p>7 they'll listen? You didn't say that?</p> <p>8 A. No, I did not.</p> <p>9 Q. Okay.</p> <p>10 A. That's funny you say that.</p> <p>11 Q. Are you aware of Officer Spalding ever</p> <p>12 using her phone or some other recording device</p> <p>13 to record --</p> <p>14 A. No.</p> <p>15 Q. -- Sergeant Mills?</p> <p>16 A. No.</p> <p>17 Q. Okay.</p> <p>18 A. The first I heard of that was this</p> <p>19 whole thing, the CR number and stuff like that.</p> <p>20 Q. Okay. When was the first you heard</p> <p>21 about that?</p> <p>22 A. During the CR number.</p> <p>23 Q. Okay. There was a CR number on Officer</p> <p>24 Spalding for allegedly --</p>	<p style="text-align: right;">Page 215</p> <p>1 Officer Spalding?</p> <p>2 A. Yes, and what I observed.</p> <p>3 Q. Do you remember before Officer Spalding</p> <p>4 went in that room or at any point while she's in</p> <p>5 the room, her texting you?</p> <p>6 A. Yes, she did.</p> <p>7 Q. Okay. Was it before she went in the</p> <p>8 room or when she was in the room?</p> <p>9 A. When she was in the room.</p> <p>10 Q. Do you recall what she texted you?</p> <p>11 A. To call the lawyer.</p> <p>12 Q. Is that all it said?</p> <p>13 A. I believe that was it, to call our</p> <p>14 lawyer.</p> <p>15 Q. Okay.</p> <p>16 A. The best of my knowledge.</p> <p>17 Q. And do you know if you still have that</p> <p>18 text?</p> <p>19 A. No, I don't.</p> <p>20 Q. You don't?</p> <p>21 A. No.</p> <p>22 Q. Okay.</p> <p>23 A. I can't say I do.</p> <p>24 Q. And did you call your lawyer?</p>
<p style="text-align: right;">Page 214</p> <p>1 A. The first I heard of that --</p> <p>2 Q. -- secretly recording Sergeant Mills?</p> <p>3 A. The first I heard of that was when Mike</p> <p>4 Barz and another person, that I can't think of</p> <p>5 the name because I don't know it, it may have</p> <p>6 been told to me at one time, but I just can't</p> <p>7 remember the name --</p> <p>8 Q. Sure.</p> <p>9 A. -- pulled Shannon off the floor and</p> <p>10 took her to a back area by herself. Two males</p> <p>11 by herself with a female, I think that's against</p> <p>12 protocol, too.</p> <p>13 Q. Were you present?</p> <p>14 A. I was present --</p> <p>15 Q. Okay.</p> <p>16 A. -- when it happened. I wasn't present</p> <p>17 or privilege to the conversation.</p> <p>18 Q. Okay.</p> <p>19 A. But that's the first I heard of it.</p> <p>20 Q. Okay. So whatever happened in that</p> <p>21 room, you -- whatever you know about that --</p> <p>22 A. Came from Officer Spalding and what I</p> <p>23 observed.</p> <p>24 Q. -- you learned about it later from</p>	<p style="text-align: right;">Page 216</p> <p>1 A. I called multiple times before somebody</p> <p>2 called back. And I guess he called Sergeant</p> <p>3 Barz back and spoke with Sergeant Barz.</p> <p>4 Q. Okay. Did you personally ever speak to</p> <p>5 the lawyer before the lawyer spoke to Sergeant</p> <p>6 Barz?</p> <p>7 A. I don't think I did.</p> <p>8 Q. Okay.</p> <p>9 A. I never made contact. I remember I</p> <p>10 left multiple messages, voicemail. I believe I</p> <p>11 did multiple texts to him, as well.</p> <p>12 Q. And who was the lawyer at the time?</p> <p>13 A. I can't think of his name off the top</p> <p>14 of my head. But --</p> <p>15 Q. Is it Don Herbert?</p> <p>16 A. Dan Herbert.</p> <p>17 Q. Dan Herbert, I'm sorry.</p> <p>18 A. And another associate.</p> <p>19 Q. Okay. And do you recall who you left</p> <p>20 messages with?</p> <p>21 A. The associate.</p> <p>22 Q. Okay. And --</p> <p>23 A. Or co-counsel.</p> <p>24 Q. Sure, sure.</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
217-220

<p style="text-align: right;">Page 217</p> <p>1 When Officer Spalding was in that room 2 with Mike Barz and the other officer, did you 3 stay in the area outside that room the whole 4 time she was in there? 5 A. I stayed at a desk not far from there. 6 Q. Okay. Do you have a recollection of 7 approximately how long she was in that room? 8 A. It's pretty close to an hour. 9 Q. Okay. I guess when she emerged from 10 that room, did you have a conversation with 11 her? 12 A. It was hard to have a conversation with 13 her immediately because she was not in the right 14 frame of mind to speak. She was very upset -- 15 Q. Okay. 16 A. -- and very stressed out. She didn't 17 look herself, she didn't look normal. 18 Q. Okay. 19 A. I walked with her to her car. She 20 explained to me what had happened. 21 Q. Okay. What do you remember her telling 22 you about what had happened in that room? 23 A. That they had accused her of 24 eavesdropping, I want to say.</p>	<p style="text-align: right;">Page 219</p> <p>1 A. I wouldn't see him much other than 2 crossing and, you know. 3 Q. Sure. You're not aware of any other 4 retaliation after you were no longer on his 5 team? 6 A. No. 7 Q. Okay. 8 A. I wouldn't see him much. 9 Q. Sure. At some point you and Officer 10 Spalding applied to or submitted a To-From 11 asking to go back to second watch, correct? 12 A. Yes. 13 Q. Okay. And that was ultimately granted, 14 correct -- 15 A. Yes. 16 Q. -- you were sent back? 17 And you were sent back to the second 18 watch on -- what was the sergeant? 19 A. Stack. 20 Q. Sergeant Stack's team that you're still 21 on now, correct? 22 A. Yes. 23 Q. Okay. Since you've been assigned to 24 Sergeant Stack's team, are you claiming that</p>
<p style="text-align: right;">Page 218</p> <p>1 Q. Okay. 2 A. And the eavesdropping was with Mills. 3 Q. Okay. 4 A. And that it has all to do with the 5 lawsuit. She said that Mike Barz had mentioned 6 to her that this can all go away. And she had 7 questioned him, how can it go away. And then he 8 implied, well, drop the lawsuit and this can all 9 go away. 10 Q. Okay. She said he implied that? 11 A. Yes. 12 Q. Do you remember her telling you 13 anything else about this? 14 A. Like I said, she was very upset. She 15 was crying. Shit, it made me want to cry. 16 Q. All right. Anything else you remember 17 about her telling you about the incident? 18 A. Not at the present time. 19 Q. Okay. At some point you and -- well, 20 strike that. 21 I assume that after you were reassigned 22 from Sergeant Barnes' team to Sergeant Mills' 23 team, you're not claiming that Sergeant Barnes 24 continued some retaliation against you?</p>	<p style="text-align: right;">Page 220</p> <p>1 there's been any retaliation for your work in 2 Operation Brass Tax? 3 A. I can't say that. 4 Q. Okay. Am I correct that neither you 5 nor Officer Spalding made any written complaints 6 to anyone about alleged retaliation or 7 harassment you were suffering as a result of 8 your work on Operation Brass Tax? 9 A. To who? 10 Q. To anyone. 11 A. Yeah, we told Rivera once it started. 12 Q. My question is about written 13 complaints. Am I correct that you did not put 14 in writing any complaints to anyone about 15 alleged retaliation or harassment that you were 16 subjected to or allegedly subjected to as a 17 result of your work -- 18 A. No. 19 Q. -- on the confidential investigation? 20 A. No. 21 Q. Okay. And are you familiar with the 22 Independent Police Review Authority, IPRA? 23 A. I've heard of it. 24 Q. Okay.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
221-224

<p style="text-align: right;">Page 221</p> <p>1 A. But I can't say that I'm very familiar 2 with it. 3 Q. Okay. Are you aware that they 4 investigate misconduct by police officers? 5 A. Sure. I believe IAD does some part of 6 it, IPRA does some part of it, Confidentials 7 does some part of it depending on the crime, is 8 my understanding of it. 9 Q. Okay. And am I correct that you and 10 Officer Spalding never made a Complaint to the 11 Independent Police Review Authority about any 12 alleged retaliation? 13 A. No, I did not. 14 Q. As far as you know, Officer Spalding 15 did not, either? 16 A. That's correct, to the best of my 17 knowledge. 18 Q. Okay. 19 (Whereupon, Echeverria 20 Deposition Exhibit Nos. 11 and 21 12 were marked for 22 identification.) 23 BY MR. KING: 24 Q. Officer Echeverria, I'm showing you two</p>	<p style="text-align: right;">Page 223</p> <p>1 A. No, I don't. 2 Q. Okay. Well, they both deal with 3 allegations of misconduct. As you sit here, do 4 you know whether these orders would apply to 5 allegations of retaliation like you and Officer 6 Spalding were allegedly subjected to? 7 A. I'm sure. 8 Q. Would that include -- would that be 9 included in allegations of misconduct? 10 A. I'm sure somebody would have -- I'm 11 reading Exhibit No. 12. 12 Q. Yes. 13 A. And it says, ascertain if a log number 14 has been obtained. I think that's reference to 15 a CR number, that would be my best guess or 16 that's as to City -- I don't know. Well, 17 anyway, if you complain to somebody, the CR 18 number is what I understand should be taken. 19 Q. Sure. 20 A. And when we've complained, I don't 21 think a CR number was ever generated. 22 Q. Okay. And I'm only asking you if you 23 know whether the General Order and the Special 24 Order, Exhibits 11 and 12, when they refer to</p>
<p style="text-align: right;">Page 222</p> <p>1 other documents that have been marked Deposition 2 Exhibit Nos. 11 and 12. And can you take a look 3 at both of these. Exhibit 11 is a General Order 4 on Allegations of Misconduct Specific 5 Responsibilities and then Exhibit 12 is a 6 Special Order that's labeled Special Situations 7 Involving Allegations of Misconduct. 8 A. Okay. 9 Q. Do you think you've seen either of 10 these, the General Order or the Special Order 11 before? 12 A. No, I can't say I've researched it or 13 looked at it. 14 Q. Okay. 15 A. I may have once in my life, but I can't 16 really tell you. 17 Q. Okay. 18 A. Maybe during a study session when I 19 took a sergeant's exam or a detective's exam, I 20 may have briefly looked at something along these 21 lines. 22 Q. But you don't remember having any 23 particular familiarity with these two 24 ordinances?</p>	<p style="text-align: right;">Page 224</p> <p>1 allegations of misconduct, would that include 2 allegations of retaliation like -- 3 A. I'm sure it would. 4 Q. Okay. Well, let's take a look at 5 Exhibit 11, the General Order. If you look at 6 the second page -- 7 A. This one. 8 Q. -- of that exhibit. And there's a 9 subsection B. It says, Initiation, 10 Responsibilities and Procedures. Do you see 11 that? 12 A. Yes. 13 Q. Okay. In Paragraph 1 says, quote, when 14 misconduct is observed or a complaint relative 15 to misconduct is received by a non-supervisory 16 member, such member will immediately notify a 17 supervisory member and prepare a written report 18 to the commanding officer containing the 19 information received, observations made and any 20 action taken. Do you see that? 21 A. Yes. 22 Q. Okay. And am I correct that you and 23 Officer Spalding never prepared a written report 24 to any commanding officer about alleged</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
225-228

<p style="text-align: right;">Page 225</p> <p>1 retaliation that you suffered; is that correct?</p> <p>2 MR. SMITH: I'll object to this line of</p> <p>3 questioning that -- the initiation</p> <p>4 responsibilities.</p> <p>5 BY MR. KING:</p> <p>6 Q. Is that correct?</p> <p>7 MR. SMITH: It's not clear whether it's</p> <p>8 to a receiving member of a complaint. You can</p> <p>9 answer if you can.</p> <p>10 THE WITNESS: Can you repeat it? Did I</p> <p>11 write something on paper?</p> <p>12 BY MR. KING:</p> <p>13 Q. My question is, am I correct that</p> <p>14 neither you nor Officer Spalding, both being</p> <p>15 non-supervisory members, ever prepared a written</p> <p>16 report to any commanding officer or to anyone</p> <p>17 else about alleged retaliation that you were</p> <p>18 being subjected to?</p> <p>19 A. Correct. I didn't write nothing. I</p> <p>20 thought voicing --</p> <p>21 Q. Let's look at Exhibit 12.</p> <p>22 A. Okay. I thought voicing my opinion to</p> <p>23 Chief Rivera would suffice.</p> <p>24 Q. Let's look at Exhibit 12, which is a</p>	<p style="text-align: right;">Page 227</p> <p>1 Officer Spalding at any time submitted a</p> <p>2 To/From --</p> <p>3 A. To/From?</p> <p>4 Q. -- Subject report to either your</p> <p>5 supervisor or anyone above your supervisor or to</p> <p>6 anyone at all with respect to the alleged</p> <p>7 retaliation that you were being subjected to?</p> <p>8 A. No.</p> <p>9 Q. Is that correct?</p> <p>10 A. That's correct. I mean, what good is</p> <p>11 it to beef on Mills if you're going to beef to</p> <p>12 Cesario? Then you beef on Cesario, it goes to</p> <p>13 Salemme?</p> <p>14 Q. I move to strike the commentary, which</p> <p>15 is not responsive to any question.</p> <p>16 A. Who are you going to beef to Rivera</p> <p>17 about, the superintendent? I'm sure he'll be</p> <p>18 glad to take a To-From from you.</p> <p>19 Q. Officer Echeverria, are you aware of</p> <p>20 any particular authority that the City Council</p> <p>21 has delegated to the superintendent of police?</p> <p>22 A. Not that I know of.</p> <p>23 Q. Okay. And likewise, are you aware of</p> <p>24 any particular authority the superintendent of</p>
<p style="text-align: right;">Page 226</p> <p>1 Special Order.</p> <p>2 A. Okay.</p> <p>3 Q. And if you could turn to the page, the</p> <p>4 bottom right, it's Defendant 1338.</p> <p>5 A. What page?</p> <p>6 Q. It says 1338 at the bottom right.</p> <p>7 A. 1338. Page 5, okay.</p> <p>8 Q. And Section H is entitled Allegations</p> <p>9 of Misconduct By Another Department Member.</p> <p>10 Section 1 says, and I'll just read it. Quote,</p> <p>11 whenever an allegation of misconduct is made</p> <p>12 against another department member, the member</p> <p>13 alleging misconduct will immediately notify,</p> <p>14 prepare and submit a Two-From-Subject report of</p> <p>15 the alleged allegations to their immediate</p> <p>16 supervisor, unless the immediate supervisor is</p> <p>17 the member accused of the misconduct. If a</p> <p>18 member is accusing their immediate supervisor of</p> <p>19 misconduct, the member will submit a</p> <p>20 To-From-Subject report to the members' next</p> <p>21 level supervisor in the member's chain of</p> <p>22 command. Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And am I correct that neither you nor</p>	<p style="text-align: right;">Page 228</p> <p>1 police has or has not delegated to the chiefs in</p> <p>2 the department?</p> <p>3 A. Like what?</p> <p>4 Q. My question is are you aware of what</p> <p>5 authority the superintendent has delegated to</p> <p>6 chiefs?</p> <p>7 A. The authority to run the bureaus they</p> <p>8 might be assigned to.</p> <p>9 Q. That's your understanding?</p> <p>10 A. According to the department guidelines.</p> <p>11 Q. Okay.</p> <p>12 A. That would be my understanding.</p> <p>13 Q. Okay. And your understanding is the</p> <p>14 department guidelines are made by the</p> <p>15 superintendent?</p> <p>16 A. Sure. Or at least signed off by him.</p> <p>17 Q. Okay.</p> <p>18 MR. SMITH: Objection, foundation.</p> <p>19 BY MR. KING:</p> <p>20 Q. You've made some references to the code</p> <p>21 of silence.</p> <p>22 A. Yes.</p> <p>23 Q. Can you explain what your understanding</p> <p>24 is of the code of silence?</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
229-232

<p style="text-align: right;">Page 229</p> <p>1 A. The code of silence, if you want to 2 call it the code of silence, the blue badge, the 3 blue wall, I mean, it's all the same. 4 Q. Okay. And what does it mean? 5 A. You basically you don't go and report 6 police misconduct, you look the other way. If 7 you do report police misconduct, you're out. 8 You become a target of retaliation. That's 9 existed for many years. 10 Q. How did you come to be familiar with 11 this alleged code of silence? 12 A. Me sitting here. 13 Q. Okay. 14 A. That's for one. I live it. 15 Q. Okay. Anything other than the fact 16 that you believe you've been retaliated against 17 where you've -- had you heard of this code of 18 silence prior to that, prior to -- 19 A. People talk about it in the academy. 20 Q. Okay. Do cadets talk about it? 21 A. Cadets. 22 Q. Okay. 23 A. You could pull in -- pick officers at 24 random out of a hat, they'll elaborate the same.</p>	<p style="text-align: right;">Page 231</p> <p>1 A. I never said I reported anything to 2 Tina Skahill. 3 Q. Okay. So you're not alleging that? 4 A. The only thing I reported to her is 5 initially the Sergeant Watts thing once we met 6 with the agent and her command staff and were 7 assigned to the Watts investigation, the Brass 8 Tax. That's the only time I've ever spoken to 9 Tina Skahill about any corruption. 10 Q. Just to be clear, you've not reported 11 any of the alleged retaliation that you or 12 Officer Spalding -- 13 A. No. 14 Q. -- suffered to Tina Skahill, correct? 15 A. No. Correct. 16 Q. Okay. And this code of silence you 17 mentioned about not reporting police misconduct, 18 in your understanding of the code of silence, 19 that would apply whether you reported other 20 officers internally to CPD or externally to an 21 organization -- 22 A. Both. 23 Q. -- like the FBI? Both, right? 24 A. Yes.</p>
<p style="text-align: right;">Page 230</p> <p>1 Q. Okay. When you were in the police 2 academy, do you have any recollection of anyone 3 talking about the code of silence, as you've 4 just described? 5 A. Other cadets. 6 Q. Okay. 7 A. I can't be specific. 8 Q. Sure, okay. It wasn't something you 9 were taught at the police academy by the 10 trainers, correct? 11 A. They teach you ethics, as well. 12 Q. Okay. 13 A. In fact, Tina Skahill was an ethics 14 instructor there. That's why when I first 15 reported this, I felt confident reporting it to 16 her because I remember her from the academy. 17 And then she was chief of IAD, so I said, what 18 better person to report it to. 19 Q. I asked you earlier if you reported 20 alleged retaliation to Tina Skahill and you said 21 no. 22 A. I did not. 23 Q. Are you changing your testimony that 24 you did report to Tina Skahill that --</p>	<p style="text-align: right;">Page 232</p> <p>1 Q. Okay. And in this case, you and 2 Officer Spalding worked on this investigation 3 first with the FBI and then with -- and then on 4 your work time as CPD both, correct? 5 A. Yes. 6 Q. Okay. And you've alleged that various 7 incidents of retaliation have happened. Do you 8 have any knowledge of whether that retaliation 9 was because you went to the FBI or simply 10 because you broke the code of silence? 11 A. Broke the code of silence. 12 Q. Okay. Thank you. 13 A. That would incorporate both, whether I 14 did it internally or externally. 15 Q. Okay. 16 A. I did what nobody else did, but my 17 partner. 18 Q. Okay. And if people were motivated to 19 retaliate against you, it's just because you 20 broke the code of silence, correct? 21 A. Yes. 22 Q. Okay. 23 MR. SMITH: Objection, vague. 24 THE WITNESS: I mean, I didn't</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
233-236

<p>Page 233</p> <p>1 experience any retaliation prior to that. 2 BY MR. KING: 3 Q. All right. In fact, you didn't 4 experience any retaliation until after you were 5 working on the Watts investigation on your work 6 time for CPD, correct? 7 A. Correct. 8 Q. Other than yourself and Officer 9 Spalding, are you aware of any other officers 10 who you believe broke this code of silence by 11 reporting a misconduct by other police 12 officers -- 13 A. Yes. 14 Q. -- that subject -- that were then 15 subjected to some retaliation? 16 A. Yes. 17 Q. Who else? 18 A. Anthony Hernandez with Sergeant Padar. 19 He received retaliation after he reported 20 misconducted by Sergeant Padar. 21 Q. Okay. 22 A. The SOS scandal with Finnigan. 23 Q. Let's go back to Anthony Hernandez. 24 What's your understanding of what he reported</p>	<p>Page 235</p> <p>1 Q. And what is the SOS scandal? 2 A. Where I guess Officer Finnigan 3 attempted to hire a hit man to take out who he 4 thought was providing information to outside 5 agencies as well as the CPD for misconduct, also 6 going on the Special Operations Section. 7 Q. And what's the basis for your knowledge 8 of what you call the SOS scandal? 9 A. The same thing. The same thing. It's 10 been in the media, it's public. I've looked at 11 it, I've read it. 12 Q. Okay. But other than what you've read 13 about it, you don't have any personal knowledge 14 of the circumstances involved in the SOS 15 scandal? 16 A. No. Just what's been in public. 17 Q. Okay. Is that something that's 18 currently ongoing or was this something that 19 happened a long time ago? 20 A. I want to say a long time ago, but it's 21 definitely within a reasonable time back. I 22 wouldn't say it's ten years ago, I wouldn't say 23 it's 20 years ago. 24 Q. Sure. How long ago do you think this</p>
<p>Page 234</p> <p>1 and how he's been retaliated against. 2 A. He reported some misconduct with 3 Officer -- with Sergeant Padar and he's been 4 retaliated as far as like taken off of 5 Narcotics teams, placed in guard shack. I 6 mean, you'd have to speak to him to get a lot of 7 detail. 8 Q. And that's some current, ongoing 9 litigation, correct? 10 A. I believe so. 11 Q. Okay. And where did you learn of these 12 facts or these alleged facts about the Hernandez 13 case? 14 A. I think it was made public at one time, 15 too. But I got a lot of it from the media. 16 Q. Okay. And you got some of it from -- 17 A. Some of it from him, as well. 18 Q. And some of it from Officer Spalding, 19 correct? 20 A. Correct. 21 Q. Okay, all right. Other than the 22 Anthony Hernandez situation, what other 23 incidents of alleged -- 24 A. The SOS scandal.</p>	<p>Page 236</p> <p>1 SOS -- 2 A. It's definitely before the Brass Tax. 3 So Brass Tax was maybe about five years now or 4 so, that we initially did. Maybe seven or 5 eight years. 6 Q. Okay. 7 A. Is that safe? I mean, an 8 approximation. 9 Q. I'm trying to get your best 10 recollection. But it was before 2007 when you 11 and Officer Spalding started working on 12 Operation Brass Tax? 13 A. Thereabouts, yes. 14 Q. Okay. Other than Anthony Hernandez and 15 what you described as the SOS scandal, are you 16 aware of any other incidents where an officer 17 allegedly broke the code of silence and then was 18 subjected to some retaliation? 19 A. That would be the best examples I have. 20 Q. Okay. 21 A. Other than mine. 22 Q. Okay. 23 MR. KING: How are you holding up? 24 THE COURT REPORTER: I'm fine.</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
237-240

<p style="text-align: right;">Page 237</p> <p>1 MR. KING: Are you guys okay --</p> <p>2 MR. SMITH: Yeah.</p> <p>3 MR. KING: -- continuing? That's fine?</p> <p>4 BY MR. KING:</p> <p>5 Q. I understand that you're claiming and</p> <p>6 you've testified that each of the individual</p> <p>7 Defendants engaged in certain kinds of</p> <p>8 retaliation against you and Officer Spalding; is</p> <p>9 that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. You're not claiming that each of</p> <p>12 these individual Defendants reached some</p> <p>13 understanding or agreement with other people</p> <p>14 that they were going to retaliate against you,</p> <p>15 are you?</p> <p>16 A. Other people as to who? Among</p> <p>17 themselves, yes.</p> <p>18 Q. Among themselves?</p> <p>19 A. Yes, I agree that they have.</p> <p>20 Q. Okay. Let's talk about them. Let's</p> <p>21 talk about Chief Rivera.</p> <p>22 Are you claiming that Chief Rivera</p> <p>23 reached some understanding or agreement with</p> <p>24 anyone to retaliate against you?</p>	<p style="text-align: right;">Page 239</p> <p>1 Q. Okay.</p> <p>2 MR. SMITH: I'm just going to object</p> <p>3 vague as the word inferring.</p> <p>4 THE WITNESS: They allowed it to</p> <p>5 happen.</p> <p>6 BY MR. KING:</p> <p>7 Q. Okay. Yeah, let's explore that even</p> <p>8 further.</p> <p>9 A. Okay.</p> <p>10 Q. You're alleging that because each of</p> <p>11 the individual Defendants engaged in some form</p> <p>12 of retaliation and the fact that some -- you</p> <p>13 know what, strike that.</p> <p>14 A. Okay.</p> <p>15 Q. And I assume you're not alleging that</p> <p>16 each of the individual Defendants even had</p> <p>17 knowledge of all of the retaliation that other</p> <p>18 Defendants committed, would that be fair to say?</p> <p>19 A. No.</p> <p>20 Q. You think each of the Defendants had</p> <p>21 knowledge of what everybody else did?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. So you think the people in</p> <p>24 Inspections had knowledge of the retaliation</p>
<p style="text-align: right;">Page 238</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Who do you think he reached an</p> <p>3 understanding or agreement with to retaliate</p> <p>4 against you?</p> <p>5 A. The other Defendants.</p> <p>6 Q. And that's based on what?</p> <p>7 A. Based on the fact that I'm still</p> <p>8 sitting here being deposed, based on the fact</p> <p>9 that I had to file a lawsuit, based on comments</p> <p>10 that we've been subject to, based that we've</p> <p>11 brought to his attention things, based that he's</p> <p>12 confided in us and explained to us meetings that</p> <p>13 he was present. As far as not -- we were</p> <p>14 referred to as IAD rats by other -- by James</p> <p>15 O'Grady, Nick Roti not wanting us back, telling</p> <p>16 us our careers are over. Sure, send them back,</p> <p>17 let's see if they get help on the street. All</p> <p>18 of that.</p> <p>19 Q. Okay. So would it be fair to say that</p> <p>20 you are inferring because the individual</p> <p>21 Defendants committed acts of retaliation, that</p> <p>22 they must have agreed or reached some</p> <p>23 understanding to do that?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 240</p> <p>1 that you suffered in Fugitive Apprehension?</p> <p>2 A. They do now.</p> <p>3 Q. Okay. Other than --</p> <p>4 A. I mean --</p> <p>5 Q. You're right, you're right.</p> <p>6 A. Right?</p> <p>7 Q. You're right.</p> <p>8 A. Okay.</p> <p>9 Q. Other than through your lawsuit, other</p> <p>10 than through your publicly filed lawsuit and</p> <p>11 your famous television appearances --</p> <p>12 A. I'm not camera shy.</p> <p>13 Q. -- you're not alleging, are you, that</p> <p>14 all of the individual Defendants even had</p> <p>15 knowledge of the harassment or retaliation that</p> <p>16 was allegedly committed by other individual</p> <p>17 Defendants, would you agree with that?</p> <p>18 A. I can't agree or I can't disagree.</p> <p>19 Q. You don't know, right?</p> <p>20 A. I'd say -- I'd say they all know, to a</p> <p>21 degree.</p> <p>22 Q. Okay.</p> <p>23 A. Prior to the lawsuit and more so after</p> <p>24 the lawsuit.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
241-244

<p style="text-align: right;">Page 241</p> <p>1 Q. Okay.</p> <p>2 A. My opinion.</p> <p>3 Q. Okay. I'll just take that same</p> <p>4 example. Is it your testimony that Lieutenant</p> <p>5 Pascua and Lieutenant Sadowski had knowledge of</p> <p>6 the alleged retaliation that you suffered in the</p> <p>7 Fugitive Apprehension unit before you publicized</p> <p>8 those events by filing a lawsuit and going on</p> <p>9 television?</p> <p>10 A. Hard to say. Like I said, to a degree.</p> <p>11 Q. Do you have any basis for that</p> <p>12 assertion, other than --</p> <p>13 A. My personal opinion.</p> <p>14 Q. Okay. Other than your personal</p> <p>15 opinion?</p> <p>16 A. No. Other than my personal opinion,</p> <p>17 no.</p> <p>18 Q. Okay. We've gone all the way through</p> <p>19 to your employment with Sergeant Stack. You're</p> <p>20 still on that team?</p> <p>21 A. Yes.</p> <p>22 Q. I'm just going to ask you for each of</p> <p>23 the individual Defendants, Rivera, Kirby,</p> <p>24 O'Grady, Roti, Sadowski, Pascua, Stanley,</p>	<p style="text-align: right;">Page 243</p> <p>1 BY MR. KING:</p> <p>2 Q. Officer Echeverria, I'm showing you</p> <p>3 another document that's been marked as</p> <p>4 Deposition Exhibit No. 13. It's a Summary</p> <p>5 Report Digest, at least the first page</p> <p>6 indicates. And this document refers to the CR</p> <p>7 where you and Officer Spalding and Sergeant</p> <p>8 Pasquinelli were named relating to efforts to</p> <p>9 recover a dog?</p> <p>10 A. Rin Tin Tin thing yeah.</p> <p>11 Q. Do you recall this?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay, all right. And you're aware that</p> <p>14 a CR had been filed against you --</p> <p>15 A. Yeah, I'm aware of that.</p> <p>16 Q. -- regarding that incident?</p> <p>17 Okay. Do you know whether you've seen</p> <p>18 this document before?</p> <p>19 A. I don't know if I got the whole</p> <p>20 breakdown of it like this.</p> <p>21 Q. Okay.</p> <p>22 A. I can't recall.</p> <p>23 Q. Okay. Well, if you --</p> <p>24 A. I know I was interviewed.</p>
<p style="text-align: right;">Page 242</p> <p>1 Barnes, Cesario, Salemme and Mills, other than</p> <p>2 what you've already testified to, are you aware</p> <p>3 of any retaliation by any of those individuals</p> <p>4 resulting from your work on Operation Brass</p> <p>5 Tax?</p> <p>6 A. Other than Brass Tax?</p> <p>7 Q. No. Other than what you've testified</p> <p>8 to already, are you aware of any other</p> <p>9 retaliation or alleged retaliation by those</p> <p>10 individuals resulting from your work on</p> <p>11 Operation Brass Tax?</p> <p>12 A. The best of my knowledge, what I have</p> <p>13 explained to you today.</p> <p>14 Q. Okay. To the best of your knowledge,</p> <p>15 there's nothing else?</p> <p>16 A. The best of my knowledge at this time,</p> <p>17 nothing else.</p> <p>18 Q. Okay. Thank you.</p> <p>19 A. If I think of something else, I'll let</p> <p>20 you know.</p> <p>21 Q. I appreciate that.</p> <p>22 (Whereupon, Echeverria</p> <p>23 Deposition Exhibit No. 13 was</p> <p>24 marked for identification.)</p>	<p style="text-align: right;">Page 244</p> <p>1 Q. You were interviewed?</p> <p>2 A. And my partner was interviewed.</p> <p>3 Q. She was?</p> <p>4 A. I remember somebody telling me they</p> <p>5 interviewed everybody except the dog.</p> <p>6 Q. That's a good line.</p> <p>7 A. It was true. It's a true story, a true</p> <p>8 statement.</p> <p>9 Q. All right.</p> <p>10 A. I think it was by investigative</p> <p>11 Shipwreck (phonetic) or something along those</p> <p>12 lines. He said that to me.</p> <p>13 Q. Do you recall that the investigator was</p> <p>14 Joseph Stehlik?</p> <p>15 A. That's the second one.</p> <p>16 Q. There was one prior to that?</p> <p>17 A. Yeah, I think so. The Shipwreck guy.</p> <p>18 Q. Okay. It was something like Shipwreck</p> <p>19 was his name?</p> <p>20 A. Something like that, along those lines.</p> <p>21 I don't know if I'm saying it right. It was</p> <p>22 like Shipwreck, Shipwreck. I don't know, agent</p> <p>23 something or other.</p> <p>24 Q. Do you have any knowledge of why the</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
245-248

<p style="text-align: right;">Page 245</p> <p>1 investigator changed on this?</p> <p>2 A. I don't know. I don't know if the guy</p> <p>3 was on vacation or something. I don't know.</p> <p>4 Q. Sure, okay.</p> <p>5 A. I don't know how they do things like</p> <p>6 that up there.</p> <p>7 Q. When you gave your statement or</p> <p>8 interview, was that by -- let's just call him</p> <p>9 Shipwreck. Was that by him or was it by this</p> <p>10 Joseph Stehlik?</p> <p>11 A. I think Stehlik.</p> <p>12 Q. Okay.</p> <p>13 A. Yeah. A taller, white gentleman.</p> <p>14 Q. If you look at the page, go by the</p> <p>15 numbers at the bottom right, it's Page 924.</p> <p>16 A. Okay.</p> <p>17 Q. And it indicates here that the</p> <p>18 allegations against you for violation of Rule 4</p> <p>19 and violation of Rule 2 were sustained. Do you</p> <p>20 see that?</p> <p>21 A. Yes.</p> <p>22 Q. Is that your understanding that at</p> <p>23 least the initial finding was a sustained on</p> <p>24 those two violations?</p>	<p style="text-align: right;">Page 247</p> <p>1 did it.</p> <p>2 Q. Okay.</p> <p>3 A. That's 929.</p> <p>4 Q. I just wanted to know if you know from</p> <p>5 your personal knowledge.</p> <p>6 A. I grieved it.</p> <p>7 Q. That's fine.</p> <p>8 (Whereupon, Echeverria</p> <p>9 Deposition Exhibit No. 14 was</p> <p>10 marked for identification.)</p> <p>11 BY MR. KING:</p> <p>12 Q. Officer, I'm showing you another</p> <p>13 document that's been marked Echeverria</p> <p>14 Deposition Exhibit No. 14. It's an overtime</p> <p>15 report that we've produced in the case from</p> <p>16 January 1, 2006 through November 11, 2014. It's</p> <p>17 overtime by year for you and Officer Spalding.</p> <p>18 As you sit here -- well, let me ask</p> <p>19 you, have you seen this report before?</p> <p>20 A. I've never seen a report like this</p> <p>21 before.</p> <p>22 Q. Okay. As you sit here, do you have any</p> <p>23 reason to question whether these are your</p> <p>24 accurate overtime hours worked in the years</p>
<p style="text-align: right;">Page 246</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And on the next page it</p> <p>3 references a recommendation and a recommendation</p> <p>4 that you be suspended for two days. Were you</p> <p>5 aware of -- are you aware of that</p> <p>6 recommendation?</p> <p>7 A. I believe so.</p> <p>8 Q. Okay. And ultimately this was changed</p> <p>9 to a finding of not sustained, correct?</p> <p>10 A. Yeah. I grieved it, I think.</p> <p>11 Q. Okay.</p> <p>12 A. Yeah.</p> <p>13 Q. And you did not receive any discipline,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. And do you have any personal</p> <p>17 knowledge of knowing who made the decision to</p> <p>18 change the finding from sustained to</p> <p>19 unsustained?</p> <p>20 A. I think I talked to an FOP lawyer.</p> <p>21 Maybe they know. I don't know off the top of my</p> <p>22 head, no.</p> <p>23 Q. Okay, that's fine.</p> <p>24 A. It says here Daniel Mahoney. Maybe he</p>	<p style="text-align: right;">Page 248</p> <p>1 listed?</p> <p>2 A. It encompasses eight years of a time</p> <p>3 span, so I don't know how --</p> <p>4 Q. You don't know one way or the other --</p> <p>5 A. No.</p> <p>6 Q. -- whether it's accurate?</p> <p>7 A. Eight years? Jesus, no, I wouldn't</p> <p>8 know.</p> <p>9 Q. Okay. I'm just asking.</p> <p>10 At any point during the period where</p> <p>11 you allege that you've been retaliated against,</p> <p>12 you and officer, your salaries were not reduced,</p> <p>13 correct?</p> <p>14 A. Well, some overtime was impeded, so</p> <p>15 maybe it was. But other than that, no.</p> <p>16 Q. Okay.</p> <p>17 A. It's not like I took a demotion in pay.</p> <p>18 I'm being paid as a police officer.</p> <p>19 Q. Right.</p> <p>20 A. I'm not a detective pay or sergeant pay</p> <p>21 and then reduced a pay grade.</p> <p>22 Q. Right. So aside from overtime</p> <p>23 potentially, you're not alleging that as a</p> <p>24 result of this retaliation, your salaries were</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
249-252

<p style="text-align: right;">Page 249</p> <p>1 cut?</p> <p>2 A. No, no.</p> <p>3 Q. In fact, during the years that you've</p> <p>4 alleged that the retaliation has been going on,</p> <p>5 have you received any pay increases?</p> <p>6 A. A step increase.</p> <p>7 Q. Okay.</p> <p>8 A. A contract increase.</p> <p>9 Q. Okay. And do you get those every year?</p> <p>10 A. I don't know. I think they're like</p> <p>11 benchmark type. I think one is off of your</p> <p>12 probation time, I think you get one on the</p> <p>13 anniversary there. And then -- I mean, don't</p> <p>14 quote me. Like a five-year step increase, a</p> <p>15 ten-year step increase. I recently made a</p> <p>16 15-year benchmark, I think I got an increase</p> <p>17 there --</p> <p>18 Q. Okay.</p> <p>19 A. -- by contract. Something like that.</p> <p>20 Q. Sure.</p> <p>21 A. But other than step increase, no.</p> <p>22 Q. Okay. But none of your step increases</p> <p>23 have been impeded in any way --</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 251</p> <p>1 team on nights and Sergeant Stack's team back on</p> <p>2 days, has overtime opportunities been pretty</p> <p>3 similar for all of those?</p> <p>4 A. No. It's been different.</p> <p>5 Q. How has it been different?</p> <p>6 A. I believe on Barnes' team, we didn't</p> <p>7 get overtime because everybody there was</p> <p>8 deputized.</p> <p>9 Q. Okay.</p> <p>10 A. So they got overtime through the</p> <p>11 Marshal's program because of their credentials,</p> <p>12 Marshal funding. So we weren't allotted that.</p> <p>13 Then on Mills' team, we weren't allotted</p> <p>14 overtime there, either. But I don't know, I</p> <p>15 can't speak for the rest of the team, either.</p> <p>16 Sergeant Stack's team, I've been allotted some</p> <p>17 overtime being non-deputized.</p> <p>18 Q. Okay.</p> <p>19 A. But then again, it has also been</p> <p>20 limited to deputized or task force officers, as</p> <p>21 well.</p> <p>22 Q. Okay.</p> <p>23 A. So, I mean, I don't know. Does that</p> <p>24 answer your question?</p>
<p style="text-align: right;">Page 250</p> <p>1 Q. -- as a result of the allegation of</p> <p>2 retaliation?</p> <p>3 A. No.</p> <p>4 Q. Okay. And you believe there may be</p> <p>5 some overtime opportunities that were lost as a</p> <p>6 result of the alleged retaliation?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. As you sit here, do you -- I</p> <p>9 mean, are you able to quantify how much overtime</p> <p>10 you've lost?</p> <p>11 A. I can't put a dollar number on it</p> <p>12 because overtime is always a variable.</p> <p>13 Q. Sure.</p> <p>14 A. You could have one hour, you could have</p> <p>15 five hours.</p> <p>16 Q. Sure.</p> <p>17 A. You could do a double shift. I mean,</p> <p>18 it's a variable. It's a case by case.</p> <p>19 Q. Sure. Have you worked any overtime --</p> <p>20 well, strike that.</p> <p>21 Since you've been in Fugitive</p> <p>22 Apprehension, has there been any difference in</p> <p>23 the overtime opportunities, let's say from</p> <p>24 Sergeant Barnes' team on days to Sergeant Mills'</p>	<p style="text-align: right;">Page 252</p> <p>1 Q. Yeah, yeah.</p> <p>2 A. All right.</p> <p>3 Q. Just to be clear, I mean, you're not</p> <p>4 alleging that you've worked some overtime hours</p> <p>5 and not been paid for it, you just --</p> <p>6 A. I'd grieve it, if I was.</p> <p>7 Q. So that would be a no, right?</p> <p>8 A. That would be a no.</p> <p>9 Q. Okay, fair enough. And it sounded like</p> <p>10 you're saying that in Fugitive Apprehension,</p> <p>11 there's some difference between overtime</p> <p>12 opportunities for Marshal's Task Force officers</p> <p>13 and non-task force officers?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And whatever overtime</p> <p>16 opportunities you or Officer Spalding would get</p> <p>17 or wouldn't get, would be the same as other</p> <p>18 non-task force officers, correct?</p> <p>19 A. That's hard to answer. I mean, because</p> <p>20 Officer Spalding and myself were treated</p> <p>21 differently than other officers, as well.</p> <p>22 Q. Are you aware of any other officers,</p> <p>23 non-task force officers in Fugitive Apprehension</p> <p>24 getting overtime opportunities that you believe</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
253-256

<p style="text-align: right;">Page 253</p> <p>1 were not afforded to you and Officer Spalding?</p> <p>2 A. I mean, there are non-task force</p> <p>3 officers that do get overtime and there are some</p> <p>4 that don't, so how do you want me to answer</p> <p>5 that?</p> <p>6 Q. Are you aware of any particular</p> <p>7 circumstances where other non-task force</p> <p>8 officers had the opportunity to get overtime and</p> <p>9 you and Officer Spalding didn't, as you sit</p> <p>10 here?</p> <p>11 A. Could be. Like I said, it's difficult</p> <p>12 to answer that.</p> <p>13 Q. Okay. As you sit here, you're not</p> <p>14 aware of any particular circumstances; is that</p> <p>15 correct?</p> <p>16 A. It's difficult to answer, sir.</p> <p>17 Q. Okay.</p> <p>18 A. I mean --</p> <p>19 Q. Okay.</p> <p>20 A. I'm being as honest as I can.</p> <p>21 Q. Okay. I understand.</p> <p>22 A. I'm answering you the best I can at the</p> <p>23 moment.</p> <p>24 Q. I understand.</p>	<p style="text-align: right;">Page 255</p> <p>1 or other medical professionals for the emotional</p> <p>2 distress?</p> <p>3 A. Yes, I have.</p> <p>4 Q. And do you recall what doctors or other</p> <p>5 medical professionals you've seen?</p> <p>6 A. I visited my primary care physician</p> <p>7 first.</p> <p>8 Q. Okay.</p> <p>9 A. Who in her medical opinion believed it</p> <p>10 would be beneficial for me to take this medical</p> <p>11 leave.</p> <p>12 Q. Take a medical leave. And what's that</p> <p>13 doctor's name?</p> <p>14 A. Her name is Dr. Vesna Sternic.</p> <p>15 Q. Okay. She had a hard name to</p> <p>16 pronounce. I was just going to call her Dr. V.</p> <p>17 Would that work?</p> <p>18 A. Vesna is the first name, I think, and</p> <p>19 Sternic is the last name.</p> <p>20 Q. Sternic. We'll go with Sternic, okay.</p> <p>21 And that was your primary care physician?</p> <p>22 A. Yes.</p> <p>23 Q. So how long has Dr. Sternic been your</p> <p>24 doctor or when did you think you first visited</p>
<p style="text-align: right;">Page 254</p> <p>1 And you're not claiming that as a</p> <p>2 result of the alleged retaliation, that you've</p> <p>3 been demoted in rank or anything like that?</p> <p>4 A. I still wear a blue shirt.</p> <p>5 Q. That would be a no?</p> <p>6 A. Correct.</p> <p>7 Q. Okay, thanks.</p> <p>8 And you mentioned earlier that you went</p> <p>9 on medical leave for a period of time --</p> <p>10 A. Yes.</p> <p>11 Q. -- correct? Okay. And our records I</p> <p>12 think show that you went out on medical leave</p> <p>13 from on or about May 14, 2013 to December 10,</p> <p>14 2013.</p> <p>15 A. That sounds about right.</p> <p>16 Q. Does that sound about right? Yes?</p> <p>17 A. That sounds about right, plus or minus</p> <p>18 a day or two here and there.</p> <p>19 Q. All right. And are you seeking to</p> <p>20 recover damages in this case for --</p> <p>21 A. For burning my time?</p> <p>22 Q. -- for emotional distress?</p> <p>23 A. Absolutely.</p> <p>24 Q. Okay. And have you visited any doctors</p>	<p style="text-align: right;">Page 256</p> <p>1 with her?</p> <p>2 A. She's been my doctor for a while. I</p> <p>3 want to say -- I'm trying to use a reference</p> <p>4 guide.</p> <p>5 Q. Sure.</p> <p>6 A. Well, my kid's about eight-years old.</p> <p>7 My kid is eight. I've been seeing her at least</p> <p>8 that time.</p> <p>9 Q. Okay.</p> <p>10 A. I don't know if I saw her before.</p> <p>11 Q. Eight years, somewhere along there?</p> <p>12 A. Thereabouts.</p> <p>13 Q. Okay. That's fine.</p> <p>14 A. I'm trying to use that as kind of like</p> <p>15 a guideline.</p> <p>16 Q. Sure.</p> <p>17 A. I mean, I can't tell you my first day I</p> <p>18 went to see her.</p> <p>19 Q. Sure. And who else have you seen?</p> <p>20 A. And then I received a referral from</p> <p>21 Dr. Sternic to see a Dr. Ruzyski.</p> <p>22 Q. And Dr. Ruzyski is a psychologist?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And, again, I think our records</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
257-260

<p style="text-align: right;">Page 257</p> <p>1 indicate you first saw Dr. Ruzyski on May 16, 2 2013. Does that sound right? 3 A. Whatever is on the medical record, I'm 4 sure that's pretty accurate. 5 Q. Okay. And other than Dr. Sternic and 6 Dr. Ruzyski, have you seen anyone else -- 7 A. Yeah. 8 Q. -- for conditions that you're claiming 9 were the result of retaliation? 10 A. Yeah. I saw a doctor at the Medical 11 Section. I can't think of her name. 12 Q. The CPD Medical Section? 13 A. Yeah. 14 Q. Okay. Dr. Arjmand? 15 A. Arjmand. I saw her once or twice. 16 Q. Okay. 17 A. Then I also saw -- I can't think -- I 18 don't know her name. A City doctor when I was 19 evaluated to return to work. 20 Q. Was that Dr. Lynsey Stewart? 21 A. I couldn't tell you. I mean, if that's 22 what's on record. 23 Q. Okay, that's fine. 24 A. I'm sure that's accurate. I saw her</p>	<p style="text-align: right;">Page 259</p> <p>1 Q. I think so. 2 A. All right. 3 (Whereupon, a discussion was had 4 off the record.) 5 (Whereupon, Echeverria 6 Deposition Exhibit Nos. 15 and 7 16 were marked for 8 identification.) 9 BY MR. KING: 10 Q. Officer Echeverria, I'm showing you a 11 couple of medical reports that have been marked 12 Deposition Exhibit 15 and 16. 13 A. All right. 14 Q. And these are reports from -- that we 15 got pursuant to subpoena, I think -- 16 A. Okay. 17 Q. -- from Dr. Sternic. 18 A. All right. 19 Q. Let's look at the first one, which is 20 Exhibit 15. It mentions an encounter date of 21 8/23/2012. It says reason for visit, 22 hypertension. Do you see that? 23 A. Where are you at? 24 Q. Up here.</p>
<p style="text-align: right;">Page 258</p> <p>1 once. No, I saw another doctor, too, who did a 2 medical physical. 3 Q. Okay. 4 A. At the Twin Towers, I think -- not the 5 Twin Towers. The Presidential Towers. 6 Q. Yeah. I think that may have been 7 Dr. Stewart. 8 A. I don't know. And then I saw a 9 psychologist, as well. So I saw my two doctors, 10 a City -- Arjmand, a City doctor, a City doctor. 11 This is five doctors? 12 Q. And are you saying you saw a 13 psychologist in addition to Dr. Ruzyski or she 14 was the psychologist? 15 A. Ruzyski was the psychologist referred 16 by my primary. 17 Q. Sure. 18 A. So I saw Sternic, Ruzyski on my own 19 accord. The other two doctors, I had to see due 20 to the City. 21 Q. Okay, that's fine. 22 A. In compliance with the City. 23 Q. That's fine. 24 A. Does that sound right?</p>	<p style="text-align: right;">Page 260</p> <p>1 A. Just point at it with your pen and I'll 2 follow you where you're at. 3 Q. Reason for visit, hypertension. 4 A. Okay. 5 Q. Do you recall seeing Dr. Sternic for 6 hypertension? 7 A. Yeah. She prescribes me medication for 8 it. 9 Q. When do you think you first saw her for 10 hypertension? 11 A. I can't put a finger on it, but she 12 seems to agree that it's -- stress is a big 13 factor in it. 14 Q. Okay. To the best of your 15 recollection, it wasn't on this 8/23/2012 date 16 that she first -- 17 A. First gave me medication? 18 Q. -- first gave you medication for 19 hypertension? 20 A. I can't tell you. Unless it says 21 somewhere in the narrative it does, I couldn't 22 tell you with exact definition of it. 23 Q. Well, just from your own recollection, 24 if you can recall. I mean, do you think it was</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
261-264

<p style="text-align: right;">Page 261</p> <p>1 August of 2012 when she first started giving you 2 medication for hypertension or before? 3 A. Like I said, I can't tell if it's 4 before or that day. 5 Q. Okay. 6 A. The best of my knowledge. 7 Q. All right. 8 A. I mean, unless it's -- unless it's 9 referenced somewhere where she says yes, then I 10 would say it would be accurate. 11 Q. Well, here on the first page, it says 12 in this paragraph, Daniel has a past medical 13 history of HTN, hypertension. 14 A. Okay. That's kidney stone, calculi. 15 Renal calculi. 16 Q. That's kidney stones? 17 A. Renal calculi, yes. 18 Q. Does that help you at all remember 19 whether you had a history of hypertension? 20 A. Well, she puts a medical history, then 21 it must be prior to that date. 22 Q. Right. 23 A. Okay. 24 Q. Okay. But you don't know how long</p>	<p style="text-align: right;">Page 263</p> <p>1 A. Yeah, I remember this visit. 2 Q. Okay. Am I correct? 3 A. Correct. 4 Q. Okay. So am I correct that the May 8, 5 2013 visit was the first time you -- 6 A. I confide in her about work, yes. 7 Q. Okay, thank you. So that was the first 8 time you told her about things that you were 9 going through at work? 10 A. Yes. 11 Q. Okay. And did anyone recommend to you 12 that you talk to your doctor about the things 13 that were going on at work? 14 A. I thought I should be open to her and 15 explain to her -- 16 Q. Okay. 17 A. -- the stress I was going through and 18 her giving me her opinion if she thought that 19 would be a factor in the hypertension, as well. 20 Q. Okay. 21 A. Having myself some kind of medical 22 background. 23 Q. And you don't know when she first 24 prescribed you medication for hypertension?</p>
<p style="text-align: right;">Page 262</p> <p>1 prior to 8/23/2012 she diagnosed you with 2 hypertension? 3 A. No, I don't, the best of my knowledge. 4 Q. And she also indicates that you have a 5 family history of hypertension in both your 6 father and your mother; is that correct? 7 A. Yes. 8 Q. Okay. Now, if you look at the next 9 exhibit, 16. It's another visit with Dr. -- 10 A. Sternic. 11 Q. -- Sternic dated May -- 12 A. March. May? 13 Q. May 8, 2013. 14 A. Yes, okay. 15 Q. Do you see that? 16 A. Yes, I do. 17 Q. Okay. And in the section HPI on this 18 exhibit, it says, patient is in a very stressful 19 situation at work, which influences his life, 20 blood pressure. Do you see that? 21 A. Yes. 22 Q. Okay. And in Exhibit 15, the earlier 23 visit, there's no mention of anything about work 24 or stress at work, correct?</p>	<p style="text-align: right;">Page 264</p> <p>1 A. I can't tell you an exact date. I 2 mean, if you want to ask her. I mean, I'm sure 3 if you contact her she -- that will be 4 available. 5 Q. Are you still currently taking 6 hypertension medication? 7 A. Yes, I do. 8 Q. Okay. That's something you take daily? 9 A. Yeah, once a day, three pills. 10 Q. Okay. 11 A. Even though she says that the pressure 12 is better now, she said, see -- and, in fact, 13 that was my last visit with her. My last visit, 14 if you let me look at the calendar, I'll tell 15 you. She said, see, the stress is down, you 16 know, the hypertension is down. And I told her, 17 well, I'm going to a deposition. And she said, 18 well, just try and work on your stress. 19 Q. Okay. 20 A. Let's keep it down. 21 Q. In your last visit with her? 22 A. Yes. 23 Q. Okay. That's fine. 24 Do you see her regularly for</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
265-268

<p style="text-align: right;">Page 265</p> <p>1 hypertension or --</p> <p>2 A. Whenever she tells me to make an</p> <p>3 appointment, I make an appointment.</p> <p>4 Q. Okay.</p> <p>5 A. I trust her with my life.</p> <p>6 Q. So Exhibit 16 has an encounter date of</p> <p>7 May 8, 2013. Do you have any recollection of</p> <p>8 how many times you've seen her since May 8th of</p> <p>9 2013?</p> <p>10 A. Since then, I can't tell you.</p> <p>11 Q. Okay.</p> <p>12 A. You know, I saw her -- was that during</p> <p>13 my leave? If it was during my leave, I would</p> <p>14 see her whenever she told me to make an</p> <p>15 appointment to see her.</p> <p>16 Q. Okay. And what she treated you for --</p> <p>17 A. Basically, she --</p> <p>18 Q. -- Dr. Sternic, was always hypertension</p> <p>19 or --</p> <p>20 A. Anything that related to a medical</p> <p>21 condition that I needed a prescription, I would</p> <p>22 see her.</p> <p>23 Q. Okay. Did she prescribe any other</p> <p>24 medications for you other than medication</p>	<p style="text-align: right;">Page 267</p> <p>1 A. I couldn't tell you. I mean, it's not</p> <p>2 like I've been taking the thing for five years</p> <p>3 or anything like that.</p> <p>4 (Whereupon, Echeverria</p> <p>5 Deposition Exhibit No. 17 was</p> <p>6 marked for identification.)</p> <p>7 BY MR. KING:</p> <p>8 Q. Officer Echeverria, I'm showing you</p> <p>9 another document that's been marked as</p> <p>10 Deposition Exhibit No. 17. It's a psychological</p> <p>11 assessment from Dr. Ruzyski. Do you know if</p> <p>12 you've ever seen this before?</p> <p>13 A. I may have seen this. Because she</p> <p>14 would give me some letters when I needed to take</p> <p>15 to the Medical Section. I would have her fax it</p> <p>16 as well as I would take a hard copy.</p> <p>17 Q. Okay.</p> <p>18 A. I don't know if my age was right at</p> <p>19 that point. I think there was a typo with that.</p> <p>20 Q. Okay. In that first paragraph, she</p> <p>21 says, Daniel was first seen on 5/16/13. Any</p> <p>22 reason to doubt that that's the date you first</p> <p>23 saw her?</p> <p>24 A. I mean, if it's in the medical record</p>
<p style="text-align: right;">Page 266</p> <p>1 relating to hypertension?</p> <p>2 A. I think she's prescribing it to me now.</p> <p>3 Now or then? It's up to you. You tell me.</p> <p>4 Q. Let's say now.</p> <p>5 A. Now? Maybe some cholesterol</p> <p>6 medication.</p> <p>7 Q. Okay.</p> <p>8 A. But that's it.</p> <p>9 Q. Okay.</p> <p>10 A. That's all she prescribes me.</p> <p>11 Q. Okay. All she -- Dr. Sternic</p> <p>12 prescribes you --</p> <p>13 A. Yeah.</p> <p>14 Q. -- is medication for hypertension --</p> <p>15 A. Hypertension.</p> <p>16 Q. -- and cholesterol?</p> <p>17 A. Cholesterol.</p> <p>18 Q. Do you know when she first prescribed</p> <p>19 you the cholesterol medicine?</p> <p>20 A. Again, hard to say.</p> <p>21 Q. That's fine.</p> <p>22 A. It's fairly recent. I don't know, I</p> <p>23 can't say.</p> <p>24 Q. Do you think in 2014?</p>	<p style="text-align: right;">Page 268</p> <p>1 and it concurs with Dr. Sternic, it would be</p> <p>2 accurate.</p> <p>3 Q. Okay, that's fine. And, in fact, she</p> <p>4 says at the start of the next paragraph, you're</p> <p>5 currently on medical leave which started</p> <p>6 5/14/13. Do you see that?</p> <p>7 A. 5/14, yes. Paragraph 2.</p> <p>8 Q. Okay. And in the last paragraph</p> <p>9 that --</p> <p>10 A. The treatment?</p> <p>11 Q. The treatment --</p> <p>12 A. Yes.</p> <p>13 Q. -- will address his mood and coping</p> <p>14 skills. And then in the next sentence begins,</p> <p>15 Daniel denies feeling depressed. Do you</p> <p>16 remember denying to her that you felt that you</p> <p>17 were depressed?</p> <p>18 A. I'm not depressed.</p> <p>19 Q. Okay. So that's a yes?</p> <p>20 A. Yeah, I'm not depressed. Yes.</p> <p>21 Q. Okay, that's fine. And then she goes</p> <p>22 on to say, treatment will address approaches to</p> <p>23 handling stress.</p> <p>24 A. It was a lot of stuff we discussed.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
269-272

<p style="text-align: right;">Page 269</p> <p>1 Q. Okay.</p> <p>2 A. Stress, insomnia. I made Dr. Ruzyski</p> <p>3 aware of exactly what I was going through at</p> <p>4 work. I thought it was fair to let her know so</p> <p>5 that she could advise me with coping and</p> <p>6 everything else accurately.</p> <p>7 Q. Okay.</p> <p>8 A. I mean, I can't keep nothing out if I</p> <p>9 want to get fair treatment. And I did the same</p> <p>10 with Dr. Sternic.</p> <p>11 Q. So the things that you reported to your</p> <p>12 doctors that you believe were the result of the</p> <p>13 retaliation were stress, insomnia?</p> <p>14 A. Stress, insomnia.</p> <p>15 Q. Anything else?</p> <p>16 A. The hypertension. They all agree,</p> <p>17 yeah, it's all stress related. It's a stress</p> <p>18 disorder they told me.</p> <p>19 Q. Okay, that's fine. Did Dr. Ruzyski</p> <p>20 ever prescribe any medication for you?</p> <p>21 A. No.</p> <p>22 Q. And how many times have you --</p> <p>23 A. Seen Dr. Ruzyski?</p> <p>24 Q. -- seen Dr. Ruzyski?</p>	<p style="text-align: right;">Page 271</p> <p>1 A. -- off of medical.</p> <p>2 Q. Okay. And did she indicate you no</p> <p>3 longer needed to see her or did you just decide</p> <p>4 to stop seeing her or how did that end come</p> <p>5 about?</p> <p>6 A. We discussed many topics. We discussed</p> <p>7 coping, we discussed a support network. Just</p> <p>8 the ways how to cope with --</p> <p>9 Q. Sure.</p> <p>10 A. -- things that I was going through.</p> <p>11 And then we worked on maybe tapering off the</p> <p>12 medical leave as I progressed. I left it up to</p> <p>13 her discretion. She saw that I was progressing.</p> <p>14 And then I was ordered back to work by</p> <p>15 Dr. Arjmand and that was it.</p> <p>16 Q. Let's talk about that.</p> <p>17 A. Okay.</p> <p>18 Q. Since you've come back from your</p> <p>19 medical leave, have you seen any doctors</p> <p>20 relating to conditions that you believe are</p> <p>21 resulting from the retaliation?</p> <p>22 A. Just the hypertension with Dr. Sternic.</p> <p>23 Q. Okay.</p> <p>24 A. I haven't seen Dr. Ruzyski since I've</p>
<p style="text-align: right;">Page 270</p> <p>1 A. Many times.</p> <p>2 Q. Many times?</p> <p>3 A. More than I saw Dr. Sternic.</p> <p>4 Q. Okay.</p> <p>5 A. Because we did biweekly.</p> <p>6 Q. Okay.</p> <p>7 A. I don't know if it was weekly and then</p> <p>8 biweekly or biweekly and then eventually</p> <p>9 monthly.</p> <p>10 Q. Okay.</p> <p>11 A. It just -- it was ongoing.</p> <p>12 Q. Okay. When was the last time you saw</p> <p>13 her, if you know?</p> <p>14 A. You'd have to ask her. I can't tell</p> <p>15 you with an exact definition of a date.</p> <p>16 Q. I mean, are you still on --</p> <p>17 A. Have I seen her?</p> <p>18 Q. Are you still on a schedule to see her</p> <p>19 periodically?</p> <p>20 A. No, no.</p> <p>21 Q. When did your periodic visits with her</p> <p>22 come to an end?</p> <p>23 A. Sometime after I came back off of --</p> <p>24 Q. Off of medical leave?</p>	<p style="text-align: right;">Page 272</p> <p>1 been back.</p> <p>2 Q. Okay.</p> <p>3 A. Dr. Sternic, like I said, I saw not too</p> <p>4 long ago.</p> <p>5 Q. Sure. And since you've been back from</p> <p>6 the medical leave, I mean, how are you feeling</p> <p>7 in terms of stress, hypertension, sleeping?</p> <p>8 A. Every day is stressful.</p> <p>9 Q. Yeah, okay.</p> <p>10 A. But I've got to move forward. I mean,</p> <p>11 I've learned to cope with it.</p> <p>12 Q. Okay.</p> <p>13 A. Every day is a stressful day in that</p> <p>14 unit.</p> <p>15 Q. It's a stressful job.</p> <p>16 A. Yes, it is. But the stress I go</p> <p>17 through is not typical of the job. It's other</p> <p>18 factors --</p> <p>19 Q. Okay.</p> <p>20 A. -- that contribute to it.</p> <p>21 Q. Are you still having difficulty</p> <p>22 sleeping or is that --</p> <p>23 A. On and off. I can't -- I mean,</p> <p>24 sometimes I sleep three hours, sometimes I sleep</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
273-276

<p style="text-align: right;">Page 273</p> <p>1 longer, sometimes I sleep five hours. 2 Q. Okay. 3 A. It just depends. 4 Q. Okay. 5 (Whereupon, Echeverria 6 Deposition Exhibit No. 18 was 7 marked for identification.) 8 BY MR. KING: 9 Q. Officer, I'm showing you another 10 medical record that's been marked Deposition 11 Exhibit 18. It's a letter from 12 Dr. Sternic dated June 13, 2013. Do you recall 13 seeing this before? 14 A. Sure. It's signed by my doctor. And 15 like I said, there's letters that I had her fax 16 as well as I had to take -- 17 Q. Okay. 18 A. -- in compliance with the Medical 19 Section. 20 Q. Okay. So when she would give you 21 something relating to your ability to return to 22 work, it's your understanding it would be faxed 23 to the Medical Section and you'd also bring a 24 hard copy, correct?</p>	<p style="text-align: right;">Page 275</p> <p>1 a few months prior to 5/8/13? 2 A. Sure, I can -- I'll agree to that. 3 Q. During the period that you were on 4 medical leave, you were still able to drive, 5 correct? 6 A. Yes. 7 Q. Okay. And you were still able to 8 ambulate or get around? 9 A. Yes. 10 Q. Okay. And during that period, you were 11 also still able to carry a firearm, correct? 12 A. Yes. 13 Q. And during the period that you were on 14 medical leave, did you feel that you were still 15 capable of arresting a suspect? 16 A. I wasn't physically impeded. I mean, 17 sure. 18 Q. Okay. 19 A. I was ambulatory. 20 (Whereupon, Echeverria 21 Deposition Exhibit No. 19 was 22 marked for identification.) 23 BY MR. KING: 24 Q. Officer, I'm showing you another</p>
<p style="text-align: right;">Page 274</p> <p>1 A. Yes. I'd take the extra measure and 2 take it to them. 3 Q. Okay. And she mentions in Exhibit 18, 4 symptoms including anxiety and insomnia. And 5 then a little further down, she says, it started 6 a few months. But as of 5/18/13, he was advised 7 to stay off of work. Do you see that? 8 A. What started a few months ago? Oh, 9 yeah. Yes. 10 Q. Okay. So would you agree that you told 11 Dr. Sternic that the symptoms you were having, 12 anxiety, insomnia, started a few months prior to 13 5/8/13? 14 A. No. I mean, maybe my -- when did my 15 leave start? Maybe my hypertension worsened a 16 few months ago prior to that. I don't know what 17 she -- I can't interpret her letter. 18 Q. Okay. 19 A. With exact. I mean, you'd have to ask 20 her. 21 Q. She says, it started a few months ago. 22 But as of 5/8/13, he was advised to stay off the 23 work. Would you agree that you told Dr. Sternic 24 that the symptoms, anxiety and insomnia, started</p>	<p style="text-align: right;">Page 276</p> <p>1 document that's been marked Deposition 2 Exhibit 19, which is a letter from Susan 3 Arjmand, M.D. to Dr. Ruzycki dated November 5, 4 2013. Have you ever seen this letter before? 5 A. Yes, I believe I have seen this. 6 Q. Okay. And what were the circumstances 7 under which you saw the letter? 8 A. I believe that's when I met with 9 Dr. Ruzycki. 10 Q. Okay. 11 A. And I had already met with Dr. Arjmand. 12 Q. Okay. And when you met with 13 Dr. Arjmand at any time, do you remember her 14 discussing these issues with you, your ability 15 to drive, your ability to ambulate? 16 A. No. 17 Q. Okay. And do you recall any discussion 18 you had with Dr. Ruzycki about this letter? 19 A. Yes. 20 Q. And what was discussed about the 21 letter? 22 A. I had told her what had transpired 23 with -- as well as with Dr. Sternic what had 24 transpired with Dr. Arjmand and that was it.</p>



DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
277-280

<p style="text-align: right;">Page 277</p> <p>1 Q. Okay. And what do you mean when you 2 say, what had transpired with respect to 3 Dr. Arjmand? 4 A. I had an appointment with the Medical 5 Section -- 6 Q. Yes. 7 A. -- to meet with my designated nurse. 8 And I did not meet with my regular nurse, I met 9 with somebody else. 10 Q. Okay. 11 A. And then once I got there, they didn't 12 ask me much about my physical or medical 13 condition, they asked me more about my 14 litigation with the City. 15 Q. Okay. And do you recall who that was? 16 A. If you say the name, I'll tell you yes 17 or no. Put some names out there and I'll tell 18 you who it was. 19 Q. That's fine. It wasn't Dr. Arjmand, 20 though? 21 A. Yes. Her, as well. 22 Q. Okay. 23 A. I saw a nurse that was not my regular 24 nurse.</p>	<p style="text-align: right;">Page 279</p> <p>1 to say that. And I said, what does that have to 2 do with my visit with you? She said, tell me 3 about it. I said, why don't you Google it. 4 Q. Okay. 5 A. She didn't like that answer. She had 6 me sit back out front and I waited for like 7 three or four hours. And then I saw 8 Dr. Arjmand, who was inquisitive in the same 9 manner. And I told her the same answer and she 10 didn't like that answer, either. Then she asked 11 me if I'm on -- what are the symptoms I'm 12 feeling. 13 Q. Sure. 14 A. I said hypertension, insomnia, stress. 15 I said, there's medication for all of that. She 16 said if I wanted to be at home all day sitting 17 on the sofa watching TV or did I want to come 18 back to work. 19 Q. And what did you say? 20 A. I said, wow. I said, I've never been 21 on medical before, it's the first time. She 22 said, well, I think you and your doctors are 23 abusing the Medical Section, is what she said. 24 Q. Did Dr. Arjmand say that or the other</p>
<p style="text-align: right;">Page 278</p> <p>1 Q. Sure. 2 A. And then I saw Dr. Arjmand. After I 3 sat there for like four hours or three hours. 4 Q. Okay. And they both asked you some 5 questions about your lawsuit with the City? 6 A. Yes, they did. 7 Q. Okay. Do you remember specifically 8 what they asked about the lawsuit? 9 A. When I got there, at first they asked 10 me about my letter, did I turn it in or not turn 11 it in. I don't know which one they were talking 12 about. But it was a letter from either 13 Dr. Ruzycki or either from Dr. Sternic. And I 14 brought the hard copy, as well, because they -- 15 I don't think they got it via fax. 16 Q. Okay. 17 A. So that was the extra measure I spoke 18 of earlier. Then they asked me why I was on 19 medical, I told them it was a stress leave. 20 Q. Okay. 21 A. Then they asked me my name again, I 22 told them, the nurse, initially. She said, oh, 23 you're the guy that has the litigation with the 24 City, your lawsuit. And I was surprised for her</p>	<p style="text-align: right;">Page 280</p> <p>1 nurse? 2 A. Dr. Arjmand said I'm abusing the 3 Medical Section. She said she will no longer 4 approve my medical. 5 Q. Okay. 6 A. She said, you go and you tell your 7 doctor that I said you need to come back. 8 Q. Okay. 9 A. And I said -- and she asked me when my 10 next appointment was. I looked on my phone on 11 my calendar, I gave her an appointment date. I 12 think she gave me a date to return like a day or 13 two after I saw Dr. Sternic. And Dr. Sternic 14 and Dr. Ruzycki wrote letters to reflect me 15 coming back. 16 Q. Okay. 17 A. That's a summary of it. 18 Q. Sure. That's fine. 19 A. I mean, that's a lot of other stuff she 20 said. 21 Q. Would you agree that when you did go 22 back to work at the end of your medical leave, 23 you believe you were fit to return to work? 24 A. I was there.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
281-284

<p style="text-align: right;">Page 281</p> <p>1 Q. Do you believe you were fit to return 2 to work? 3 A. I returned to work. I was fit. I was 4 found fit and I returned. 5 Q. And I'm asking you if you believe that 6 you were fit to return to work. 7 A. Yes, I'm fit to -- 8 MR. SMITH: I object to a legal and 9 medical conclusion. 10 THE WITNESS: I had other meetings with 11 Dr. Arjmand, too, where she addressed the letter 12 that she was not in agreement with. That wasn't 13 the end of our conversation or our meets with 14 her. 15 BY MR. KING: 16 Q. You had other conversations with 17 Dr. Arjmand? 18 A. Yeah. When I returned with my 19 letter -- 20 Q. Right. 21 A. -- she wasn't happy with the way the 22 letter was stated. 23 Q. Okay. 24 A. She expressed that concern and I think</p>	<p style="text-align: right;">Page 283</p> <p>1 A. Do you want to know more about the 2 Dr. Arjmand meeting, the second one? 3 Q. Not right now. 4 A. Okay. Because it didn't stop there. 5 (Whereupon, Echeverria 6 Deposition Exhibit No. 20 was 7 marked for identification.) 8 BY MR. KING: 9 Q. Officer Echeverria, I'm showing you 10 another medical record from Dr. Sternic and it's 11 been marked as Deposition Exhibit No. 20. And 12 it refers to an encounter date of 3/3/2014. 13 Our records that we received indicate 14 that this was the first visit to Dr. Sternic 15 after you came back from medical leave. Is 16 that -- do you know whether that's true or not? 17 A. It could be. I mean, if that's what 18 she says, then yeah. 19 Q. Okay. And in this visit, it indicates 20 that you were seeing her -- the reason for the 21 visit was a cough. 22 A. Yeah. 23 Q. And she says this is a new problem, 24 correct?</p>
<p style="text-align: right;">Page 282</p> <p>1 that's where this letter comes to play. 2 Q. So what you're saying was 3 Dr. Arjmand -- 4 A. She denied saying what she said, is 5 what I'm saying. 6 Q. Okay. 7 A. And that's -- that's what this letter 8 kind of entails. 9 Q. Okay. 10 A. And I told Dr. Arjmand, well, she's a 11 medical professional, Dr. Sternic is a medical 12 professional, Dr. Ruzyski is a medical 13 profession, maybe you should express your 14 concern with them. 15 Q. Okay. 16 A. And I can't dictate to my doctor what 17 they write or don't write. Those are medical 18 professionals. 19 Q. Sure. 20 A. And she agreed. I guess she only made 21 contact with Dr. Ruzyski. When I asked 22 Dr. Sternic, Dr. Sternic said she never received 23 any correspondence from Dr. Arjmand. 24 Q. Okay.</p>	<p style="text-align: right;">Page 284</p> <p>1 A. Yeah, a cold or something. 2 Q. Okay. I assume you're not claiming 3 your cold was a result of retaliation by 4 Defendants? 5 A. Maybe. You never know. 6 Q. You'll give me that one, won't you? 7 A. I'll give you that one. 8 Q. All right. Thank you. 9 A. Touché. 10 Q. Do you recall as you sit here whether 11 you've seen Dr. Sternic since March 3rd of 2014? 12 A. Like I said, I saw her recently. I 13 can't tell you. 14 Q. Okay. Do you recall what you were 15 seeing her for recently? 16 A. Again, the hypertension is always 17 something she checks. 18 Q. Okay. So just periodic appointments? 19 A. Yeah. Just -- 20 Q. Okay. 21 A. -- a wellbeing check, I guess, 22 maintenance. 23 24</p>

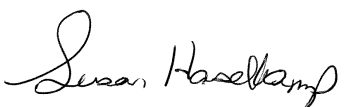
DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
285-288

<p style="text-align: right;">Page 285</p> <p>1 (Whereupon, Echeverria 2 Deposition Exhibit No. 21 was 3 marked for identification.) 4 BY MR. KING: 5 Q. Officer Echeverria, I'm showing you 6 another document that's been marked as 7 Defendants' Exhibit 21. It's a letter from U.S. 8 Health Works of Dr. Lynsey Stewart. 9 A. Yeah, that's the -- yeah, okay. 10 Q. That's the person you saw for a 11 physical examination? 12 A. Yeah, I knew it was at the Towers 13 there. 14 Q. Okay, right. 614 West Monroe? 15 A. Right. 16 Q. And she indicates that she performed a 17 mandatory physical examination on November 25, 18 2013; is that correct? 19 A. Yeah. 20 Q. And later down she indicates some 21 results of the examination, blah, blah, blah. 22 If you go to Number 3, she says, the patient has 23 a diagnosis of adjustment disorder and saw a 24 therapist in the past but is not currently in</p>	<p style="text-align: right;">Page 287</p> <p>1 THE WITNESS: What symptoms, stress, 2 hypertension? I mean, I don't know. 3 BY MR. KING: 4 Q. The doctor writes that you saw a 5 therapist in the past but you're currently not 6 in therapy. 7 A. That's inaccurate. 8 Q. And that you reported no current 9 symptoms. Would you agree that you reported to 10 her that you were not having any current 11 symptoms that would -- 12 A. I told her -- that is inaccurate. As 13 far as current symptoms, that might be accurate. 14 Q. Okay. 15 A. I told her I did see a therapist. 16 Q. Okay. 17 A. And, in fact, she said -- she 18 acknowledged it. 19 Q. Okay. So you think she's inaccurate 20 when she says you weren't currently in therapy? 21 A. Correct. Because there's dates. 22 Q. That's fine. 23 A. With Dr. Sternic's letters -- I mean, 24 Dr. Ruzyski's letters that I have seen her</p>
<p style="text-align: right;">Page 286</p> <p>1 therapy. Was that correct at that time? 2 A. If that's what she wrote, yeah. 3 Q. Okay. And then she writes that you 4 reported no current symptoms. Is that -- 5 A. I'm sorry, what -- hold on a second. 6 What's this date? November? No, I still would 7 see Dr. Ruzyski by then. So that's wrong. 8 Q. Okay. She writes that in your 9 examination on that date, you reported no 10 current symptoms. Do you think that's correct? 11 A. Yeah, I told her. She asked me why was 12 I seeing a therapist and I told her. And then 13 she said, okay. 14 Q. Okay. 15 A. Okay. 16 MR. KING: Can you read back his 17 answer? 18 (Whereupon, the record was read 19 as requested.) 20 BY MR. KING: 21 Q. Do you think it's correct that she 22 indicates in here that you reported no current 23 symptoms at that point in time? 24 MR. SMITH: I'm going to --</p>	<p style="text-align: right;">Page 288</p> <p>1 after. 2 Q. Right. 3 A. I'd even seen her after I came back. 4 Q. I understand that. 5 A. So that would be inaccurate. 6 Q. Okay. 7 A. Maybe a typo. 8 Q. That's fine. 9 MR. KING: Let's break for a few 10 minutes. 11 (Whereupon, a short break was 12 taken.) 13 BY MR. KING: 14 Q. Officer Echeverria, you testified that 15 on one or more occasions, you asked Chief Juan 16 Rivera to open a CR; is that correct? 17 A. Yes. 18 Q. Okay. Other than Chief Rivera, did you 19 ask any of the other individual Defendants in 20 the case, specifically did you ask them to open 21 a CR? 22 A. Sadowski. 23 Q. Okay. 24 A. Agent Stanley.</p>

DANIEL ECHEVERRIA  
SPALDING and ECHEVERRIA vs. CITY OF CHICAGO

December 02, 2014  
289-292

<p style="text-align: right;">Page 289</p> <p>1 Q. Okay.</p> <p>2 A. And I already testified to their</p> <p>3 answers.</p> <p>4 Q. Okay. Is that it?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 MR. KING: I don't think I have any</p> <p>8 further questions.</p> <p>9 MR. SMITH: Okay. We'll reserve.</p> <p>10 FURTHER DEPONENT SAITH NOT.</p> <p>11 (The deposition concluded at</p> <p>12 2:39 p.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 291</p> <p>1 indirectly in the outcome of this action.</p> <p>2</p> <p>3 IN WITNESS WHEREOF, I do hereunto set my</p> <p>4 hand at Chicago, Illinois, this 10th day of</p> <p>5 December, 2014.</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 </p> <p>20</p> <p>21 Certified Shorthand Reporter</p> <p>22 CSR Certificate No. 084-004022</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 290</p> <p>1 CERTIFICATE OF OFFICER</p> <p>2</p> <p>3 I, SUSAN HASELKAMP, a Certified Shorthand</p> <p>4 Reporter of the State of Illinois, do hereby</p> <p>5 certify:</p> <p>6</p> <p>7 That previous to the commencement of the</p> <p>8 examination of the witness, the witness was duly</p> <p>9 sworn to testify the whole truth concerning the</p> <p>10 matters herein;</p> <p>11</p> <p>12 That the foregoing deposition transcript</p> <p>13 was reported stenographically by me, was</p> <p>14 thereafter reduced to typewriting under my</p> <p>15 personal direction and constitutes a true record</p> <p>16 of the testimony given and the proceedings had;</p> <p>17</p> <p>18 That the said deposition was taken before</p> <p>19 me at the time and place specified;</p> <p>20</p> <p>21 That I am not a relative or employee or</p> <p>22 attorney or counsel, nor a relative or employee</p> <p>23 of such attorney or counsel for any of the</p> <p>24 parties hereto, nor interested directly or</p>	<p style="text-align: right;">Page 292</p> <p>1</p> <p>2 I N D E X</p> <p>3 WITNESS EXAMINATION</p> <p>4 DANIEL ECHEVERRIA,</p> <p>5 By Mr. King.....3</p> <p>6</p> <p>7</p> <p>8 E X H I B I T S</p> <p>9 NUMBER MARKED FOR ID</p> <p>10 Echeverria Deposition Exhibit</p> <p>11</p> <p>12 1.....10</p> <p>13 2.....44</p> <p>14 3.....45</p> <p>15 4.....56</p> <p>16 5.....123</p> <p>17 6.....145</p> <p>18 7.....195</p> <p>19 8.....198</p> <p>20 9.....199</p> <p>21 10.....201</p> <p>22 11.....221</p> <p>23 12.....221</p> <p>24 13.....242</p> <p>14 14.....247</p> <p>15 15.....259</p> <p>16 16.....259</p> <p>17 17.....267</p> <p>18 18.....273</p> <p>19 19.....275</p> <p>20 20.....283</p> <p>21 21.....285</p> <p>22</p> <p>23</p> <p>24</p>

**DANIEL ECHEVERRIA**  
**SPALDING and ECHEVERRIA vs. CITY OF CHICAGO**

December 02, 2014  
 293-294

Page 293

1 DEPOSITION ERRATA SHEET

2 Assignment No. 239707

3 Chicago Police Officers Shannon Spalding and  
 4 Daniel Echeverria vs. City of Chicago, et al.

5 DECLARATION UNDER PENALTY OF PERJURY

6

7 I declare under penalty of perjury that I  
 8 have read the entire transcript of my Deposition  
 9 taken in the captioned matter or the same has  
 10 been read to me, and the same is true and  
 11 accurate, save and except for changes and/or  
 12 corrections, if any, as indicated by me on the  
 13 DEPOSITION ERRATA SHEET hereof, with the  
 14 understanding that I offer these changes as if  
 15 still under oath.

16

17 Signed on the \_\_\_\_\_ day of  
 18 \_\_\_\_\_, 2014.

19

20 \_\_\_\_\_

21 DANIEL ECHEVERRIA

22

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Page 294

1 DEPOSITION ERRATA SHEET

2 Page No.\_\_\_\_Line No.\_\_\_\_Change to:\_\_\_\_\_

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4 Reason for change:\_\_\_\_\_

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22 Reason for change:\_\_\_\_\_

23 SIGNATURE:\_\_\_\_\_DATE:\_\_\_\_\_

24 DANIEL ECHEVERRIA



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<u>OFFICER</u>	<u>BEAT</u>	<u>ROLE</u>	<u>O_LAST</u>	<u>O_FIRST</u>	<u>IR_NO</u>	<u>CB_NO</u>	<u>STAT_DESCR</u>	<u>TYPE</u>	<u>ARREST_DATE</u>
ECHEVERRIADANIEL	5754	AAO	DILLARD	TIERRA	1832713	18433424	ISSUANCE OF WARRANT		21-Jun-2012
ECHEVERRIADANIEL	5752	FAO	RHODES	CORNELL	1728230	18430588	ISSUANCE OF WARRANT		17-Jun-2012
ECHEVERRIADANIEL	5752	AAO	BLACKWELL	DENAE	2037635	18430576	ISSUANCE OF WARRANT		17-Jun-2012
ECHEVERRIADANIEL	5752	FAO	TURNER	JERREL	1901564	18428506	ISSUANCE OF WARRANT		14-Jun-2012
ECHEVERRIADANIEL	5752	FAO	KRABBE	EDWARD	2165586	18426901	VIOL SEX OFFENDER REGISTRATI	F	12-Jun-2012
ECHEVERRIADANIEL	5752	AAO	MORGA	JOSE	1371109	18424289	ROBBERY	F	08-Jun-2012
ECHEVERRIADANIEL	5752	AAO	REED	SHAUNDE	1283051	18422602	ISSUANCE OF WARRANT		06-Jun-2012
ECHEVERRIADANIEL	5752	FAO	COOK	MARCUS	743115	18422596	ISSUANCE OF WARRANT		06-Jun-2012
ECHEVERRIADANIEL	5752	FAO	PALM	RENATA	775322	18419873	BATTERY - CAUSE BODILY HAR	M	02-Jun-2012
ECHEVERRIADANIEL	5752	AAO	BARNES	AARON	1905141	18414715	MURDER - FIRST DEGREE	F	25-May-2012
ECHEVERRIADANIEL	5754	AAO	GORDEN	JAMES	351892	18403176	DOMESTIC BATTERY - PHYSICA	M	09-May-2012
ECHEVERRIADANIEL	5752	FAO	MOORE	DARCEL	827207	18400370	ISSUANCE OF WARRANT		05-May-2012
ECHEVERRIADANIEL	5752	SAO	COOK	ALLEN	1951186	18399556	BURGLARY/SCH/DAY CARE/WO	F	04-May-2012
ECHEVERRIADANIEL	5752	AAO	PINKERTON	JESSE	1360917	18398207	MURDER - FIRST DEGREE	F	02-May-2012
ECHEVERRIADANIEL	5752	SAO	BROWN	LAMONT	2020043	18394602	BURGLARY - RESIDENTIAL	F	27-Apr-2012
ECHEVERRIADANIEL	5752	AAO	HOUSTON	GREGORY	777585	18389469	ISSUANCE OF WARRANT		20-Apr-2012
ECHEVERRIADANIEL	5752	AAO	GREEN	JOHN	1506608	18389449	AGG BATTERY/DISCHARGE FIR	F	20-Apr-2012
ECHEVERRIADANIEL	5752	FAO	BROWN	ISHANNA	1919741	18388831	BATTERY - MAKE PHYSICAL CO	M	19-Apr-2012
ECHEVERRIADANIEL	5752	SAO	MORRIS	LASHORA	1108937	18383842	BATTERY - CAUSE BODILY HAR	M	12-Apr-2012
ECHEVERRIADANIEL	5752	SAO	NASH	MARTELL	1254261	18378831	DOMESTIC BATTERY - BODILY H	M	05-Apr-2012
ECHEVERRIADANIEL	5752	AAO	ALEXANDER	ZAVIER	1632311	18377372	AGG BATTERY/PEACE OFFICER	F	03-Apr-2012
ECHEVERRIADANIEL	5752	FAO	POUNCY	TROY	1772691	18377263	CANNABIS - POSSESS 30-500 GRM	F	03-Apr-2012
ECHEVERRIADANIEL	5753	AAO	STARKEY	LUTHER	1332690	18373184	ISSUANCE OF WARRANT		28-Mar-2012
ECHEVERRIADANIEL	5752	AAO	HOWARD	KIMANTI	1497596	18372529	DOMESTIC BATTERY - BODILY H	M	27-Mar-2012
ECHEVERRIADANIEL	5753	AAO	DOTSON	JOHN	484820	18372404	AGG BATTERY/GREAT BODILY H	F	27-Mar-2012
ECHEVERRIADANIEL	5752	AAO	BONDS	YASHUA	1262976	18370495	DOMESTIC BATTERY - BODILY H	M	24-Mar-2012
ECHEVERRIADANIEL	5752	AAO	BERNARD	WALTER	1034707	18368797	ISSUANCE OF WARRANT		22-Mar-2012

